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January Term A.D. 1906

Minutes of Supreme Court, May 12-1906 continued from Minute Record No. 5, page 500.

Phoenix Water Company,
a corporation,
Appellant,
vs.
The Common Council of the
City of Phoenix,
Appellee.

No. 908.

Comes now Mr. C.F. Ainsworth for Appellant herein, in open court, and gives notice of Appeal from the judgment of this court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed, and amount of the Bond on Appeal be fixed.

It is ordered that said motion be granted, and the Appeal be and the same is hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1,000.) dollars.

R. Allyn Lewis and
Laetitia McD. Lewis,
Appellants,
vs.
Fred Herrera, Receiver,
Appellee.

No. 955.

Comes now Mr. Jos. L.B. Alexander for Appellants herein, in open court, and gives notice of Appeal from the judgment of this court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is hereby allowed.

May 12-'06.

F. S. Ruby,

Appellant,

No. 911. ✓

vs.

Lake Superior and Arizona Mining Company,

Appellee.

Comes now Mr. Alfred Franklin for Appellant herein, in open court, and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moves the court that the appeal be allowed.

✓ It is ordered that said motion be granted, and the appeal be and the same is hereby allowed.

✓ It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1,000.) dollars.

The Territory of Arizona,

Plaintiff,

No. 903. ✓

vs.

E. L. Vail, Phil S. Hughes and C. F. Richardson, as Supervisors of Pima County, Arizona,

Defendants.

Comes now Mr. John C. Wright for Defendants herein, in open court, and gives notice of Appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the court that the appeal be allowed.

✓ It is ordered that said motion be granted, and the appeal be and the same is hereby allowed.

✓ Comes now Mr. John C. Wright and moves the Court that the amount of the Appeal Bond be fixed in the sum of One Thousand ($1,000.) Dollars.

✓ It is ordered that said motion be taken under consideration until this afternoon.

No. 944.

In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy,

Solo Brod and Renard,

Appellants.

Comes now Webster Street, Esq., for attorney for Black Diamond Copper Mining Company, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is, hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1,000.) Dollars.

No. 959.

Priscilla Bradford,

Appellant,

vs.

Robert E. Morrison,

Appellee.

Comes now Mr. E. M. Sanford for Appellant herein, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is, hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1,000.) Dollars.

May 12-'06

Comes and Mr. E. S. Clark, and moves that a committee be appointed to examine Mr John E. Russell as to his qualifications to practice in this court, whereupon the Court appointed the following committee: ...

Messrs. Walter Bennett, R.E. Morrison and W.O. Miller.

On motion of Mr. J.L.B. Alexander, It is ordered that Mr. Edwin F. Jones, who holds a certificate from the Supreme Court of the State of Alabama, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual Oath. Whereupon, in open court Mr. Jones took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

No. 2.30 V

In the Matter of the Petition of Homer M. DuBois, For a Writ of Habeas Corpus.

This cause coming on for hearing was argued by Mr. W.O. Miller for Petitioner and cause ordered continued until this afternoon.

No. 970 V

Ezra C. Bartlett, Petitioner,

vs.

The District Court of the First Judicial District of the Territory of Arizona, in and for Pima County, and the Honorable John H. Campbell Judge of said Court, Respondents.

The Petition for Writ of Prohibition herein

C. Knight for Petitioner and Mr. Eugene S. Ives for Respondents and ordered submitted.

Court took a recess until 3:30 o'clock this afternoon.

Court re-convened at 3:30 o'clock P.M.
Present, Honorable Edward Kent, Chief Justice,
" Richard E. Sloan, Associate Justice,
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
and the Clerk.
The following business was transacted.

In the Matter of the Application of John E. Russell, for admission to practice in this court.

To the Honorable Supreme Court of the Territory of Arizona:

Your committee appointed to examine and report the qualifications of John E. Russell for admission to the bar of the Supreme Court of the Territory of Arizona, beg leave to report:

That they have examined the said John E. Russell as to his qualifications, and from such examination find him to be well versed in the principles of law and the rules of pleading and evidence and other branches of the law, and they recommend his admission as a member of the bar of the Supreme Court of this Territory.

Dated this 12th day of May, 1906

Walter Bennett,
Robt. E. Morrison,
W. O. Miller
Committee

May 12-'06

The Committee appointed to examine Mr. John E. Russell as to his qualifications for admission to the bar, reporting favorably: It is ordered that he be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court - Mr. Russell took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

No. 970.

Ezra C. Bartlett,
Petitioner,
vs.
The District Court of the First Judicial District of the Territory of Arizona, in and for Pima County, and the Honorable John H. Campbell, Judge of said court,
Respondents.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises;

It is ordered that a Writ of Prohibition be and the same is, hereby denied.

No. 903.

The Territory of Arizona,
Plaintiff,
vs.
E. L. Vail, Phil S. Hughes and C. F. Richardson, as Supervisors of Pima County, Arizona,
Defendants.

It is this cause it is ordered that the demurrer

of the Bond on Appeal be fixed in the sum of Five Thousand ($5,000.) Dollars.

No. 915. ✓

Salt River Valley Canal Company, a corporation,
Appellant,
vs.
Celia Nelson,
Appellee.

Comes now Mr. C. F. Ainsworth, for Appellant herein, and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moves the court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is, hereby allowed.

No. 2301 ✓

In the Matter of the Petition of
Homer M. DuBois
For a Writ of Habeas Corpus.

On motion of Mr. Wm M. Lovell, it is ordered that he be granted 10 days in which to file Amended Return.

No. 2301 ✓

In the Matter of the Application of
Homer M. DuBois
for a Writ of Habeas Corpus.

Upon the application of the petitioner, Homer M. DuBois, it is hereby ordered: That Allen B. Jaycox of the City of Tucson, be and he hereby is appointed as referee in the above-entitled matter, and as such referee is hereby authorized to hear such evidence as shall be offered by the above-named petitioner and counsel, and report findings to the Clerk of Court. Said hearing to take place

May 12-'06 effect of the laws and ordinances of the City of Tucson relating to gambling and gambling houses, being the laws and ordinances set forth in the petition for a Writ of Habeas Corpus inverted in these proceedings, and after taking the same and reducing the same to writing to file the evidence so taken with the Clerk of this Court forthwith. Said evidence shall be taken at the Office of said Jayces in the City of Tucson commencing on the 16th day of May, A.D., 1906, and continued until the same shall be finally taken.

It is ordered that this Court stand adjourned until Monday, May 28, 1906, at 10 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, } January Term A.D. 1906.
Territory of Arizona. } Phoenix, Arizona, Monday, May 28-1906.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Kane, " "
S.M. Cullom, Clerk,
M.H. Calderwood, Crier,
J.L. Wolf, Bailiff.

The following business was transacted.

No. 967. ✓

Ismael F. de Amado,
Appellant
vs.
E. Friedman,
Appellee.

On motion of Mr. G. P. Ballard for attorney for Appellee, it is ordered that Appellee have until June 20, 1906, in which to file Brief.

✓ On motion of Mr. Wm. Lovell, It is ordered that Mr. W. A. O'Connor, who holds a Certificate from the Supreme Court of the State of California, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon in open court, Mr. O'Connor took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

No. 955. ✓

R. Allyn Lewis, et al.,
Appellants,
vs.
Fred Herrera, Receiver,
Appellee.

On motion of Mr. Webster Street attorney for appellants herein, It is ordered that he be granted leave to file Supersedeas Bond.

✓ It is further ordered that the amount of the Supersedeas Bond be fixed later.

May 28-'06

No. 919.

Wm H. Cook, as Sheriff of the County of Maricopa, Territory of Arizona, et al.,

Appellants,

vs.

Mary E. Purman, as Administratrix of the Estate of D. M. Purman, deceased,

Appellee.

On motion of Thos. J. Prescott, Esq., attorney for Appellants herein, It is ordered that he be granted leave to file reply to Appellee's Motion for Re-hearing.

No. 952.

Colby N. Thomas, et al.,

Appellants,

vs.

Territory of Arizona,

Appellee.

Comes now Mr. J. H. Langston, for appellants herein, and gives notice of appeal from the judgment of this Court to the Supreme Court of the United States and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1,000) Dollars.

No. 230. In the matter of the Petition of Homer M. DuBois for a Writ of Habeas Corpus.

This matter coming on for hearing was argued by W.O. Miller, Esq., for Petitioner and H.M. Lovell, Esq., City Attorney of the City of Tucson and Charles Bleckman, Esq., special Assistant City Attorney, for Respondent, and the matter being submitted to the Court upon the Application, the Writ, and the Return thereto, and the Court being fully advised in the premises:

It is ordered that the motion of the Respondent to dismiss the proceedings and discharge the Writ be and the same hereby is granted.

It is further ordered that said Petitioner be forthwith remanded to the custody of the said City Marshal.

Court took a recess until 3:30 o'clock this afternoon.

Court re-convened at 3:30 o'clock P. M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate "
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
and the Clerk.

The following business was transacted.

No. 914 Frank Powers, et al., Appellants, vs. The World's Fair Mining Company, a corporation, Appellee.

[illegible]

May 28-'06 ". . . d herein by Appellants and heretofore submitted, " " and the same is hereby denied.

No. 919 ✓

William H. Cook, as Sheriff, etc, et als.,
Appellants,
vs.
Mary E. Purcman, as Administratrix, etc.,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 943 ✓

Abel Steinfeld, et al.,
Appellants,
vs.
Louis Zeckendorf,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 870 ✓

George H. Schuerman, et al., as the Supervisors of Yavapai County,
Appellants
vs
The Territory of Arizona upon the relation of E. S. Clark as District Attorney of Yavapai County, in said Territory,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

No. 959. ✓ Priscilla Bradford
Appellant,
vs.
Robert E. Morrison
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 913. ✓ John N. Bogan, Administrator of the Estate of Ellen Finley, deceased,
Appellant,
vs.
Roy T. Blount, Inc., and
Charles L. Fowler,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having duly considered the same, and being fully advised in the premises: It is considered by the Court that "neither the findings of the "District" Court nor the judgment be supported by the evidence, and as the latter showed an undoubted right on the part of the plaintiff to the full relief prayed for in his complaint the judgment should be reversed and the cause remanded to the District Court with instructions to enter its judgment in conformity with" the opinion rendered herein.

✓ It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein his costs in this behalf laid at One Hundred Forty-eight ($148.00) dollars, and his costs in the court below in this cause incurred.

May 28-'06

No. 919 ✓

William H. Cook, as Sheriff etc., et al.,

Appellants

vs.

Mary E. Ourcinan, as Administratrix etc.,

Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be and the same hereby is, denied.

No. 919 ✓

William H. Cook, as Sheriff etc., et al.,

Appellants,

vs.

Mary E. Ourcinan, as Administratrix, etc.,

Appellee.

It is ordered that Appellee's exception and objection to the statement of costs filed herein by the Appellant, be sustained, and the item which reads: "For ___ copies thereof in said cause _ $25.00" be stricken from said statement of costs herein

No. 943 ✓

Albert Steinfeld, et al.,

Appellants,

vs.

Louis Geckendorf,

Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be and the same hereby is, granted and the case set for hearing November 12, 1906.

J.

No. 870. ✓

George H. Schuerman, et al., as the Supervisors of Yavapai County,
Appellants

vs.

The Territory of Arizona upon the relation of E. S. Clark, as District Attorney of Yavapai County, in said Territory,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same hereby is, denied.

No. 921. ✓

John MacPherson,
Appellant,

vs.

B. Hattich,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant and heretofore submitted, be and the same hereby is, denied.

No. 959 ✓

Priscilla Bradford,
Appellant,

vs.

Robert E. Morrison,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same hereby is, denied.

May 28-'06

George H. Schuerman, et al.,
as the Supervisors of Yavapai
County,
Appellants,

No. 870

-vs-

The Territory of Arizona upon
the relation of E. S. Clark, as
District Attorney of Yavapai
County in said Territory,
Appellee.

Comes now Mr. F. G. Norris for Appellants herein, and gives notice of appeal from the judgment of this court to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be, and the same hereby is, allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1,000.) Dollars.

R. Allyn Lewis, et al.,
Appellants,

No. 955

vs.

Fred Herrera, Receiver,
Appellee.

It is ordered that the amount of the Supersedeas Bond in this cause be fixed at the sum of Two Thousand ($2,000.) Dollars.

Resolutions adopted by the Territorial Bar Association of Arizona, on the death of John C. Herndon.

Whereas, Divine Providence has called our honored and illustrious brother, John C. Herndon, to that bourne from whence no traveler returns, Now Therefore,

Be it Resolved: That it is the unanimous sense of the Territorial Bar Association of Arizona that there is not, and never has been during the existence of this political subdivision of the United States, a more honorable, faithful and successful member of our Association;

That as a lawyer and a citizen as member of our profession stood higher, and as citizen of the Territory of Arizona was more beloved by its people;

That in the loss of John C. Herndon a place has been made vacant that it is impossible to fill; that the citizens of this territory have been deprived of a member of society whose every act, both public and private, was one of honor and prompted by love for his neighbors and the highest patriotic sentiments;

That our sympathy and respect is extended to his bereaved wife and family; that a copy of this resolution be spread upon the minutes of this Association, a copy filed with the Supreme Court of Arizona, and an engrossed copy hereof mailed to his family.

Frank Cox,
A. C. Baker,
Robt. E. Morrison.

It is ordered that this Court stand adjourned until Monday, November 12, 1906, at 10 o'clock A.M.

Edward Kent Chief Justice.

Nov. 12-'06 Supreme Court, } January Term, A.D., 1906.
Territory of Arizona. } Phoenix, Arizona. Monday, November 12-1906

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H Campbell " "
" Frederick S. Nave " "

S.M. Cullom, Clerk.
M.H. Calderwood, Crier.
J.L. Holt, Bailiff.

The following business was transacted.

No. 943 ✓ Albert Steinfeld, et al.,
Appellants,
vs.
Louis Zeckendorf,
Appellee.

It is ordered that the hearing of this cause be continued until Wednesday, January 16th, 1907.

✓ On motion of Mr. E.S. Clark, It is ordered that Mr. Thomas J. Corkery, Jr., who holds a certificate from the Circuit Court of the United States for the Northern District of Ohio, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath. Whereupon, in open court Mr. Corkery took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. Ben Goodrich, It is ordered that Mr. John C. Riggs, who holds a certificate from the Supreme Court of the State of Indiana, be admitted to practice in this Court upon

signing the Roll of Attorneys and taking the usual oath. Thereupon, in open court Mr. Riggs took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. H.B. Wilkinson, It is ordered that Mr. George Wesley Silverthorn, who holds a certificate from the Supreme Court of the State of Michigan, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath. Thereupon, in open court Mr. Silverthorn took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

Comes now Mr. Webster Street, and moves that a committee be appointed to examine Mr. B.E. Marks as to his qualifications to practice in this court.

Comes now Mr. Thos. Armstrong, Jr., and moves that a committee be appointed to examine Messrs R.C. Stanford, C.A. Crooks, C.M. Holmes and Isaac Barth, as to their qualifications to practice in this court.

Comes now Mr. H.B. Wilkinson, and moves that a committee be appointed to examine Mr. Lewis H. Collins, as to his qualifications to practice in this court.

Comes now Mr. J.M. Jennings, and moves that a committee be appointed to examine Mr. O.N. Hilton, as to his qualifications to practice in this court.

Nov. 12-'06. The Court appointed Mr. A.C. Baker, Mr. E.S. Clark and Mr. E.E. Ellinwood, a committee to examine Mr. D.E. Marks, Mr. R.C. Stanford, Mr. C.C. Crooke, Mr. C.M. Holmes Mr. Lewis H. Collins, Mr. P.H. Hayes and Mr. Isaac Barth as to their qualifications to practice in this court.

No. 978. Montezuma Canal Company, a corporation, Appellant, vs. Smithville Canal Company, et al., Appellees

On motion of Mr. Thos. Armstrong Jr., attorney for Appellant herein, It is ordered that Appellant have until December, 1906, in which to file Brief.

No. 974. Allen R. English, et al., Appellants vs. The Territory of Arizona at the relation and to the use of John H. Hogan, Treasurer and Ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona, Appellee.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellee, be submitted.

~~Supreme Court,~~ } ~~January Term, A.D. 1906.~~

Territory of Arizona. } Phoenix, Arizona, Tuesday, November 13-1906.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, ~~Chief Justice.~~

" Richard E. Sloan, ~~Associate Justice~~

" Fletcher M. Doan, " "

" John H. Campbell " "

" Frederick S. Nave " "

S.M. Cutler, Clerk

M.H. Calderwood, Crier

J.L. Wolf, Bailiff.

~~The following proceedings were transacted,~~

Error.

E.C. Hughes, et al.,
Appellants,

No. 984 ✓ vs.

H.H. Wetlake,
Appellee.

It is ordered that the Motion to Dismiss Appeal and Affirm Judgment, filed herein by Appellee, be submitted.

John McGowan,
Appellant,

No. 980 ✓ vs.

J.R. Gaines, Tax Collector et al.,
Appellee.

It is ordered that the Motion to Strike Out Portion of Appellants Brief, filed herein by Appellee, be submitted.

Nov. 12-'06

No. 981. ✓

Sol G. Drachman,
Appellant,
vs.
Amanda E. Wilson,
Appellee.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellant, be submitted.

No. 973. ✓

Thomas M. Smith,
Appellant,
vs.
The Imperial Copper Company, a corporation,
Appellee.

It is ordered that the Motion to Dismiss Attempted Appeal, filed herein by Appellee, be submitted.

No. 972 ✓

Thomas M. Smith,
Appellant,
vs.
The Imperial Copper Company, a corporation,
Appellee.

It is ordered that the Motion to Dismiss Attempted Appeal, filed herein by Appellee, be submitted.

No. 944. ✓

In the Matter of the Black Diamond Copper Mining Company, a corporation in Bankruptcy,
Sol. Bros. and Renard,
Appellants.

It is ordered that the Motion to Vacate Order Granting Appeal to the Supreme Court of the United States filed herein by Appellants, be submitted.

No. 985

W. F. Hagan and Jeff Dunnigan
Mistaken Appellants
Ex Motione
vs. Ex Order
Edward O'Neill,
Appellee.

It is ordered that this Court stands adjourned until tomorrow morning, November 13th, at 10 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Tuesday. November 13, 1906.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Noyes " "
S. M. Cullen, Clerk
M. H. Calderwood, Crier
J. L. Ivey, Bailiff.

The following Decrees were Entered:

Nov. 13-'06

No. 843 ✓

The Southern Pacific Company,
a corporation,
Appellant,
vs.
S. G. Fitchett,
Appellee.

No. 933. ✓

R. N. Leatherwood, et al.,
Petitioners,
vs.
Hedley A. Hill Territorial Auditor
of the Territory of Arizona,
Defendant.

It is ordered that the Motion to Strike from the files and the judgment of this Court, Appellants cost Bill, be submitted.

This cause having been submitted to the Court upon the Amended Petition for Writ of Mandamus, filed herein on the 11th day of April, 1906, and upon the Demurrer to the said Petition filed herein on the 10th day of November, 1906, and the Court having considered the same, and being fully advised in the premises: It is Ordered that the said Plaintiffs and Petitioners, to-wit: R. N. Leatherwood, President, and E. N. Fish, Garcia de Brichta, Pedro Flores and James Guthrie, Directors of the Arizona Pioneers Historical Society, and the Arizona Pioneers Historical Society, a corporation, have judgement as in said petition prayed; and

It is further Ordered, that a peremptory writ of mandamus do issue, directed to John H. Page, Territorial Auditor of the Territory of Arizona, as successor in office to Respondent Hedley A. Hill, commanding him to forthwith issue his warrant to the plaintiffs herein in due form of law for the sum of Fifteen Hundred ($1500.)
Dollars.

No. 843.

The Southern Pacific Company,
a corporation,
Appellant,
vs.
S. F. Fitchett,
Appellee.

The Motion to Strike from the files of this case and from the judgment of this court in said cause the Appellant's Cost Bill, amounting to the sum of Two Hundred eighty and 80/100 ($280.80) Dollars, filed herein Appellee, having heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the sum of Two hundred eighty and 80/100 ($280.80) Dollars be, and the same is, hereby stricken from the judgment rendered herein on the 30th day of March, 1905.

No. 944.

In the Matter of the Black
Diamond Copper Mining
Company, a corporation,
In Bankruptcy.
Soto Bros. & Renaud,
Appellants.

It is ordered that the Motion to Vacate the Order of this Court granting an appeal to the Supreme Court of the United States, filed herein by Appellants and heretofore submitted, be and the same is, hereby granted.

Nov. 13-'06

No. 981 ✓

Sol. B. Drachman,
Appellant,
vs.
Amanda E. Wilson,
Appellee.

The Motion to Dismiss Appeal, filed herein by Appellant and heretofore submitted, not showing "proof of service". It is ordered that no action be taken in the matter.

No. 972 ✓

Thomas M. Smith
Appellant,
3893. vs.
The Imperial Copper Company,
a corporation,
Appellee.

The Motion to Dismiss Appeal, filed herein by Appellee, and heretofore submitted, not showing proof of service, It is ordered that no action be taken in the matter.

No. 973. ✓

Thomas M. Smith,
Appellant,
vs.
The Imperial Copper Company,
a corporation,
Appellee.

The Motion to Dismiss Appeal, filed herein by Appellee, and heretofore submitted, not showing proof of service, It is ordered that no action be taken in the matter.

A. A. English and Honora English, his wife,

Appellants

No. 974 ✓ vs.

The Territory of Arizona, at the relation and to the use of John H. Brogan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima, in the Territory of Arizona,

Appellee.

The Motion to Dismiss the Appeal, filed herein, by Appellee, and heretofore submitted, not showing proof of service, It is ordered that no action be taken in the matter.

E. C. Hughes and Thomas Driscoll,

Appellants,

No. 984 ✓ vs.

H. H. Heatlake,

Appellee.

It is ordered that the Motion to Dismiss Appeal and Affirm Judgment, filed herein by Appellee, and heretofore submitted, be granted.

In the Matter of the Application of C. M. Holmes, C. H. Hayes, R. C. Stanford, L. H. Collins, E. E. Marks, Isaac Barth, and O. C. Cooke for Admission to the Bar.

To the Honorable, The Supreme Court of the Territory of Arizona:

The Committee appointed by this Honorable Court to examine C. M. Holmes, C. H. Hayes, R. C. Stanford, L. H. Collins, E. E. Marks, Isaac Barth and O. C. Cooke, [illegible]

Nov. 13-'06

admission to the Bar, very respectfully report as follows:

That in discharge of this duty to the Court, the Bar and the Applicants, the Committee had before them at several sittings and examined the above named applicants as to their qualifications for admission to the Bar. The examination was made generally and as thorough as the Committee was able to do, and extended to the general principles of Constitutional Law, Jurisdiction of Courts, Corporations, Evidence, Pleadings and Practice in Civil Cases, Equity, Domestic Relations, Torts, Estates of Deceased Persons, Real and Personal Property, Partnership, Contracts, Negotiable Instruments, Bailments, Agency, Sales, Mining and Irrigation Law, Taxation, Criminal Law and Criminal Procedure.

The Committee is pleased to report that each one of the following named applicants stood a very creditable examination upon these several legal subjects and in our opinion are sufficiently well versed in the doctrines and principles of our law to entitle them to be admitted as practitioners and we very cheerfully recommend their admission, to-wit: O.C. Crooks, P.H. Hayes, R.C. Stanford, B.E. Marks and Isaac Bach. Several of these young gentlemen are graduates of law schools and several others have already been admitted to practice by the District Courts in the Territory and have been engaged in the practice of law for one or two years.

In withholding a recommendation for admission of Mr. C.M. Holmes and Mr. L.H. Collins, the Committee desires to state that while they found these applicants to be considerably advanced in the knowledge of legal subjects and are not to be discouraged with, we deem it best that they should pursue

their legal studies until some future meeting of this Honorable Court when they can make a renewed application for admission.

All of these young gentlemen bear excellent moral characters.

S.C. Baker
E.E. Ellinwood
E.S. Clark

The committee appointed to examine C.M. Holmes, P.H. Hayes, R.C. Stanford, L.H. Collins, B.E. Marks, Isaac Barth and O.C. Crooke, as to their qualifications for admission to the Bar, reporting favorably on the following named applicants: O.C. Crooke, P.H. Hayes, R.C. Stanford, B.E. Marks and Isaac Barth:

It is ordered that they be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court Mr. O.C. Crooke, Mr. P.H. Hayes, Mr. R.C. Stanford, Mr. B.E. Marks and Mr. Isaac Barth, took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. Ben Goodrich, It is ordered that Mr. W.H. Sawtelle, who holds a certificate from the Supreme Court of the State of Montana, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court Mr. Sawtelle took the Constitutional Oath of Office as prescribed in Sec 395 of the Code of Civil Procedure.

Nov. 13-'06

On motion of Mr. Ben Goodrich, It is ordered that Mr. F. W. Shelley, who holds a certificate from the Supreme Court of the State of Texas, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court, Mr. Shelley took the Constitutional oath as prescribed in Sec. 395 of the Code of Civil Procedure.

No. 969 — Clara A. Kinney, Appellant, vs. J. C. Lundy, Appellee.

On motion of Mr. A. C. Baker, attorney for appellant herein, It is ordered that he be granted permission to withdraw typewritten Abstracts of Record and Briefs of Appellant and file printed copies of same within 15 days, subject to objections of Appellee.

It appearing that by reason of the construction of a court house at Globe, Gila County, suitable accomodations for holding Court will be available at that place on January 29th, 1907.

It is Hereby Ordered that the place for holding the District Court in the Fifth Judicial District in the exercise of the same jurisdiction as that of the Circuit and District Courts of the United States be and the same is hereby fixed at the town of Globe, in the County of Gila.

This order shall be in effect on and after January 29th, 1907.

Dated November 13th, 1906.

Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, Associate Justice.
John H. Campbell, Associate Justice
Frederick S. Nave, Associate Justice.

It is ordered that this court stand adjourned sine die.

Edward Kent Chief Justice.

In the Supreme Court of the Territory of Arizona.
In the Matter of the Appointment }
of the Clerk of the Court. }

A vacancy in the office of the Clerk of this Court having occurred by reason of the death of Shelby M. Cullom,

We do hereby designate and appoint Frederick A. Fritts, Jr., Clerk of the Supreme Court of the Territory of Arizona, such appointment to date from December 3rd, 1906, and to take effect upon his qualifying by taking the oath and assuming the duties of the office.

Dated this 3rd day of December, 1906

Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
John H. Campbell, Associate Justice.

United States of America
Territory of Arizona. } ss.

I, Frederick A. Gritle, Jr. being appointed Clerk of the Supreme Court of the Territory of Arizona, do solemnly swear that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said Court; and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, So Help Me God.

Frederick A. Gritle, Jr.

Subscribed in my presence and sworn to before me, at Phoenix, Arizona, this 3rd day of December, A.D., 1906.

Edward Kent,
Chief Justice of the Supreme Court of Arizona.

Supreme Court, } Regular January Term, A. D. 1907.
Territory of Arizona, } Phoenix, Arizona, Monday, January 14th 1907.
Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Noyes, " "
F. A. Gentle, Jr., Clerk.
M. H. Calderwood, Court.
J. L. Hoff, Bailiff.
The following business was transacted -

On motion of Mr. Geo. P. Bullard, It is ordered that Mr. Peter B. Lyons, who holds a certificate from the Circuit Court of the Fourth Judicial Circuit of the State of Missouri, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Thereupon, in open Court Mr. Lyons took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. C. F. Kenworthy, It is ordered that Mr. Stephen A. Merritt, who holds a certificate from the Supreme Court of the State of Montana, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Thereupon, in open Court Mr. Merritt took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. S. H. Cowperthwaite, It is ordered that Mr. Oscar H. Crippen and Mr. [illegible] be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Jan. 1st-1907 the Roll of Attorneys and taking the usual oath.

Whereupon, in open Court Mr. Compton took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. E.J. Edwards, It is ordered that Mr. Fred Clinton Jacobs, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open Court Mr. Jacobs took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

Comes now Mr. T.S. Bunch, and moves that a committee be appointed to examine Mr. A.R. Lynch and Mr. W.K. Dial, as to their qualifications to practice in this Court.

Comes now Mr. E.W. Lewis, and moves that a committee be appointed to examine Messrs. Lee N. Stratton, L.L. Henry, and _ _ Taylor, as to their qualifications to practice in this Court.

The Court appointed Mr. Thos. Armstrong Jr., Mr. Robt. E. Morrison, and Mr. S.L. Patton, a committee to examine Messrs. A.R. Lynch, W.K. Dial, Lee N. Stratton, L.L. Henry and _ _ Taylor, as to their qualifications to practice in this court.

No. 960. ✓

In the Matter of The American Copper Company, Bankrupt.

In re Petition of Benjamin Blanchard and Howell Mining Company, for Review.

✓ It is ordered that the Motion to Dismiss Petition for Review, filed herein by Creditors, be submitted

✓ It is further ordered that the Motion for time to prepare brief and authorities on Motion to Dismiss, filed herein by Petitioners, be submitted.

In the Matter of The American Copper Company, Bankrupt.

Benjamin Blanchard, et al., Appellants

No. 960 A. ✓ vs.

G. N. Amonds, and other creditors named in citation on appeal herein, Appellees.

✓ It is ordered that the Motion to Dismiss Appeal filed herein by Appellees, be submitted.

✓ It is further ordered that the Motion for time to prepare brief and present authorities on Motion to Dismiss, filed herein by Appellants, be submitted.

Ismael F de Amado, Appellant,

No. 967. ✓ vs.

B. Friedmann, Appellee.

✓ It is ordered that the Motion to Dismiss appeal herein by the appellee, be submitted.

Jan. 14. 1907.

No. 974. ✓

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona, at the relation and to the use of John H. Bogan, Treasurer and ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

✓ It is ordered that the Motion to Strike Affidavits from the files, filed herein by Appellee, be submitted.

No. 985. ✓

W. F. Hagan, et al.,
Appellants,
vs.
David O'Neill,
Appellee.

✓ It is ordered that this cause be submitted on the Short Transcript, filed herein by Appellee.

No. 991. ✓

P. L. Sherman, et al.,
Appellants,
vs.
Libbie Godwin,
Appellee.

✓ It is ordered that the Motion to Dismiss the Appeal filed herein by Appellee be submitted.

✓ It is further ordered that the Suggestion of Diminution of Record, filed herein by Appellee, be submitted.

✓ It is further ordered that the Motion to Strike from the files the Motion to Dismiss Appeal, filed herein by Appellant, be submitted.

No. 992. ✓

Russell National Bank,
Appellant,
vs.
A. J. Head,
Appellee.

✓ It is ordered that the Motion to Strike from the files the Reporter's Transcript of Evidence, filed herein by Appellee, be submitted.

No. 996. ✓

Lulu Ferguson, et al.,
Appellants,
vs.
H. A. Morgan, as Administrator of the Estate of G. H. Saunders, deceased, and H. J. Clifford,
Appellees.

✓ It is ordered that the Motion to Affirm Judgment of the District Court, filed herein by Appellees, be submitted.

No. 997. ✓

Margaret Ellen Jones,
Appellant,
vs.
Charles H. Morris, et al.,
Appellees.

✓ It is ordered that the Motion to Affirm the Judgment of the lower court, filed herein by Appellees, be submitted.

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No. 998. ✓

Nellie Mallory,
Plaintiff in Error,
vs.
L. F. Eggert,
Defendant in Error.

✓ It is ordered that the Motion to Affirm or Dismiss Judgment of the lower court, filed herein by Defendant in Error, be submitted.

No. 1000. ✓

In the Matter of the Estate of Francisca Morales, deceased,
M. Pena del Pino,
Appellant,
vs.
Librada de Romero,
Appellee.

✓ It is ordered that the Motion to Dismiss Appeal, filed herein by Appellee, be submitted.

No. 1001. ✓

Lillie S. Gill,
Appellant,
vs.
Manhattan Life Insurance Company,
Appellee.

✓ It is ordered that the Motion for an order requiring the Clerk of the lower court to certify to this Court the whole record and Minute Entries in this cause, be submitted.

Hard Crist,
Appellant,
No. 1002. ✓ vs.
Geo Livingston,
Appellee.

✓ It is ordered that the Motion to Dismiss the Appeal and Affirm the Judgment of the Court below, filed herein by Appellee, be submitted.

H. P. Allred,
Appellant,
No. 1003. ✓ vs.
Mary J. Allred, and Hallie Cox,
Appellees.

✓ It is ordered that the Motion to Dismiss the Appeal, filed herein by Appellees, be submitted.

Union Iron Works,
a corporation, et al.,
Appellants,
No. 964. ✓ vs.
Uekol Mining & Milling Company,
a corporation, et al.,
Appellees.

✓ It is ordered that the Motion to Dismiss the Appeal, filed herein by Appellees, be submitted.

✓ It is further ordered that the Motion to Show Cause, filed herein by Appellee, be submitted.

✓ It is further ordered that the Motion to Strike from the files Appellants' Abstract of Record, filed herein by Appellees, be submitted.

Jan'y 14-'07

No. 986. ✓

The Equitable Life Assurance Society of the United States, a corporation,

Appellant,

vs.

David Babbitt, et al, co-partners, doing business under the firm name and style of Babbitt Brothers,

Appellees.

On motion of Mr Paul Burks, attorney for Appellant herein, It is ordered that he be granted permission to correct typographical error in Appellants Brief.

No. 992. ✓

Crescent National Bank,

Appellant,

vs.

A. J. Head,

Appellee.

On motion of Mr. J. M. Ross, attorney for Appellant herein, It is ordered that he be granted permission to correct brief of Appellant by interlineation

No. 960. ✓

In the Matter of The American Clothier Company,

Bankrupt.

In re Petition of Gen Blanchard and Kendall Mining Company,

For Review.

On motion of Mr. Robt. E. Mansfield, Attorney for Petitioner herein, It is ordered that he be granted permission to file Statement with Brief of Petitioner

In the Matter of
The American Copper Company,
Bankrupt.
Benjamin Blanchard and
Howell Mining Company,
Appellants,

No. 960 a. vs.

G. H. Ahrens, and other creditors named in citation on appeal herein,

Appellees.

On motion of Mr. Robt. E. Morrison, Attorney for Appellants herein, It is ordered that he be granted permission to file Statement, in this cause, with the clerk of this Court.

Union Iron Works, a corporation, et al.,
Appellants,

No. 964. vs.

Uehel Mining & Milling Company, a corporation, et al.,
Appellees.

On motion of Mr. G. H. Ahrens, for Appellees herein, It is ordered that he be granted permission to file copies of Motion to Show Cause; Motion to Strike Abstract of Record from file; and Motion to Dismiss Appeal; the original motions to be filed to remain, January 15th.

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No. 974.

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona at the relation and to the use of John H. Vogan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima in the Territory of Arizona,
Appellee.

On motion of Mr. S.L. Kingan, attorney for Appellee herein, It is ordered that he be granted permission to correct typographical error.

It is ordered that this court stand adjourned until to-morrow, January 15, 1907, at 10 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A.D. 1907.
Phoenix, Arizona, Tuesday, January 15-1907.
Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Noon, " "
F.A. Gritts Jr., Clerk.
H.H. Caldwood, Crier.
J.L. Hoff, Bailiff.

The following business was transacted:-

Order approving Bond
of F.A. Gritle, Jr. Clerk.

It is hereby ordered that the bond of Frederick A. Gritle, Jr., as Clerk of the Supreme Court of Arizona, given to the United States of America in the sum of Five Thousand ($5,000.) Dollars, and dated December 3rd, 1906, be and the same is hereby approved, and that a certified copy of this order be attached to said bond.

Copy of Bond.

Know All Men By These Presents: That we, Frederick A. Gritle, Jr., as principal, and the Pacific Surety Company, a corporation organized under the laws of the State of California, with its principal place of business at San Francisco, Cal., as surety, are held and firmly bound unto the United States of America in the penal sum of Five Thousand Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 3rd day of December, A.D. 1906.

The condition of the above obligation is such, that whereas the above bounden principal, Frederick A. Gritle, Jr., was appointed on the third day of December, 1906, to the office of Clerk of the Supreme Court of the Territory of Arizona, to have and to hold the same with all the rights, privileges and emoluments appertaining.

Now therefore, the condition of this obligation is such, that if the said Frederick A. Gritle, Jr. faithfully discharge the duties of the office of Clerk of the Supreme Court of [illegible]

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shall account to the proper person or officer for all moneys that may come into his possession as said Clerk, then this obligation shall be void, otherwise to remain in full force and effect.

Frederick A. Tritle Jr. (Seal)
Pacific Surety Company,
by W. M. Fickas
General Agent.

(Corporation Seal)

(Corporation Seal)
by Thos. J. Prescott,
Res. Asst. Secy.

Whereas, The Pacific Surety Company, a corporation duly incorporated under the laws of the State of California, has deposited with me its charter or articles of incorporation and the statement required by Section 3 of an Act of Congress approved August 13, 1894, entitled "An Act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon," and has satisfied me that it has authority under its charter to do the business provided for in said act, that it has a paid-up capital of not less than $250,000 in cash or its equivalent, and that it is able to keep and perform its contracts:

Now, Therefore, the said Pacific Surety Company is hereby granted authority to do business under said act in the said State of California, and is also granted authority to do business under said act beyond the limits of said State in any Judicial District of the United States in which it shall first have appointed an agent conformably to the provisions of Section 2 of said act.

John W. Griggs,
Attorney-General.

Department of Justice,
Washington, D.C. November 25, 1898.

Department of Justice,
Washington D.C. April 27, 1904.

I hereby approve this Bond.

of an original authorization to do business issued by the Attorney-General under the Act of Congress approved August 13, 1894.

Witness my hand and seal of the Department.

(Seal)

{Seal of Department of Justice.}

O. J. Field,
Chief-Clerk.

Territory of Arizona,
County of Maricopa. } ss.

Personally appeared before me, Thos. J. Prescott on this Third day of December, one thousand nine hundred and six, known to me to be the Resident Assistant Secretary of the Pacific Surety Company, the corporation described in and which executed the annexed Bond of Frederick A. Tritle as surety thereon, and who, being by me duly sworn, deposes and says, that he resides at Phoenix in the Territory of Arizona, that he is the Resident Assistant Secretary of the said Pacific Surety Company, and knows the corporate seal thereof; that the said Company is duly and legally incorporated under the laws of the State of California and has qualified and is now qualified to do business under the laws of the Territory of Arizona; that said Company has complied with the provisions of the Act of Congress of August 13, 1894, allowing certain corporations to be accepted as surety on bonds; that the seal affixed to the annexed Bond of Frederick A. Tritle as the corporate seal of the said Pacific Surety Company, was thereto affixed by order and authority of the Board of Directors of said Company; that he signed his name thereto by like order and authority as Resident Assistant Secretary of said Corporation; that he was acquainted with F. M. McIntire and knows [illegible]

to [illegible]

[illegible]

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authority of said Board of Directors, and in the presence of said deponent, and that the assets of said Company, unincumbered and liable to execution, exceed its claims, debts and liabilities, of every nature whatsoever, by more than Two Hundred and Fifty Thousand Dollars.

Deponent further says that George D. Christy, residing at Phoenix, in the Territory of Arizona has been duly appointed as agent of said Company to accept service of process against said Company in the judicial district of Arizona, and is authorized to enter an appearance in behalf of said Company in any action, suit or proceeding brought against it in said judicial district.

Thos. J. Prescott.

Sworn to, acknowledged before me,
and subscribed in my presence
this 3rd day of December, 1906.

J. L. Irwin,
Notary Public.

(Seal)

My Commission expires -
My Commission expires April 6-1910.

In the Supreme Court of
the Territory of Arizona.

Your Committee appointed to conduct the examination of applicants for admission to practice in this Court on the 14th day of January, 1907, respectfully report:

That they have had before them the following named applicants for admission to practice in this Court, to-wit: W. H. Dial, Safford, Arizona; A. B. Leach, Safford, Arizona; L. L. Henry, Clarkdale, Arizona; Lee M. Stratton, Safford, Arizona; each having previously passed satisfactory and creditable examinations in open Court, and

by law for admission to practice at the bar of this Court and respectfully recommend their admission.

All of which is respectfully submitted.

Dated at Phoenix January 15th, 1907.

Thos. Armstrong, Jr.

No. 943. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Louis Zeckendorf,
Appellee.

On motion of Mr. S.L. Patten, for Appellants, leave is
✓ granted that the order heretofore made and entered on the 12th day of November, 1906, setting this cause for hearing on January 16th, 1907, be and the same is hereby vacated.

No. 234. ✓

William Henry Dyer,
Appellant,
vs.
Territory of Arizona,
Respondent.

Error. Ended Civil. See page 64.

✓ On motion of Mr. E.J. Edwards, attorney for Appellant herein, It is ordered that he be granted two days ~~extra~~ extra to file brief.

No. 906. ✓

L.H.R. Richardson,
Appellant,
vs.
Francis Conway,
Appellee.

✓ On motion of Mr. L.H.R. Richardson, Appellant herein,

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No. 943. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Louis Zeckendorf,
Appellee.

✓ It is ordered by the Court that this cause be passed for the day.

No. 947. ✓

In the Matter of the Application of the Union Gauge Line Company, a corporation of the State of New Jersey, for a Writ of Certiorari,
against
The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hill, Territorial Auditor and Chairman, Thos. F. Wilson, et al.,

✓ In this cause, It is ordered that the Application for Writ of Certiorari, be and the same is hereby denied for want of prosecution.

No. 962. ✓

Louis Zeckendorf,
Appellant,
vs.
The Silver Bell Copper Company,
Appellee.

✓ It is ordered by the Court that this cause be passed.

The Committee appointed to examine Mr. W. H. Dial, Mr. A. B. Lynch, Mr. L. L. Henry and Mr. Lee N. Stratton, touching their qualifications for admission to the Bar, reporting favorably; It is ordered that they be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court, Mr. Lynch, Mr. Henry, Mr. Dial and Mr. Stratton took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

No. 960. ✓

In the Matter of The American Copper Company,
Bankrupt.
In re Petition of Benjamin Blanchard and Howell Mining Company, for Review.

✓ It is ordered that the motion for time to prepare brief and present authorities on motion to Dismiss Petition for Review, filed herein by Petitioners and heretofore submitted, be and the same is, hereby granted.

No. 960A. ✓

In the Matter of The American Copper Company,
Bankrupt.
Benjamin Blanchard et al.,
Appellants,
vs.
G. H. Ammons, and other creditors named in citation on appeal herein,
Appellees.

✓ It is ordered that the motion for time to prepare brief and present authorities on Motion to Dismiss Appeal, filed herein by Appellants, and heretofore submitted, be and the same is, hereby granted.

No. 967. ✓

Ismael F. de Amado,
Appellant,
vs.
B. Friedman,
Appellee.

✓ It is ordered that the Petition to affirm Referee's Report of the Sum owed, filed herein by Petitioner, and heretofore submitted, be and the same is, hereby granted for failure to file Brief by Respondent.

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No. 972. ✓

Thomas M. Smith,
Appellant,
vs.
The Imperial Copper Company,
a corporation,
Appellee.

✓ It is ordered that the Motion to Dismiss Appeal, filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied for want of service.

No. 973. ✓

Thomas M. Smith
Appellant,
vs.
The Imperial Copper Company,
a corporation,
Appellee.

✓ It is ordered that the Motion to Dismiss Appeal filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied for want of service

No. 974. ✓

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona, at the relation and to the use of John H. Fagan, Treasurer and ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

✓ It is ordered that the Motion to Dismiss Appeal filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied by District Court.

John McGowan,

Appellant,

No. 980. ✓ vs.

J. N. Gaines, as Tax Collector of the County of Cochise, Territory of Arizona, et al.,

Appellees.

✓ It is ordered that the Motion to Strike out portion of Appellant's brief, filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied

Sol B. Drachman,

Appellant,

No. 981. ✓ vs.

Amanda E. Wilson,

Appellee.

✓ The Motion to Dismiss the Appeal, filed herein by Appellant, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises; It is ordered that said motion be granted, and the appeal be and the same is, hereby dismissed.

E. C. Hughes, et al.,

Appellants,

No. 984. ✓ vs.

H. H. Wetlake,

Appellee.

✓ It is ordered that the Clerk of this Court transmit to the original papers in the cause heretofore transmitted from the Clerk of the District Court.

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No. 984.

E. C. Hughes, and Thomas Driscoll,
Appellants,
vs.
H. H. Heathlake,
Appellee.

The Motion to Dismiss Appeal and Affirm the Judgment of the Court below, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the cause, and being fully advised in the premises: It is ordered that said Motion be granted, the appeal dismissed and the judgment of the lower court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from E. C. Hughes, and Thomas Driscoll, Appellants herein, and M. O'Gradman and H. B. Gentry, sureties on Appeal Bond his costs in this cause, taxed at nineteen ($19.00) dollars, and his costs in the court below in this cause incurred.

No. 985.

W. F. Hogan, et al.,
Appellants,
vs.
David O'Neil,
Appellee.

This cause having been heretofore submitted on a Short Transcript, and by the Court taken under consideration, and the Court having considered the cause, and being fully advised in the premises:
It is ordered that the judgment of the lower court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from W. F. Hogan and Jeff Duncan, Appellants herein and C. E. Nott and Geo. R. Brown, sureties on Supersedeas Bond, the sum of eight hundred and

sixty-three and 36/100 ($863.36) Dollars, rent due on account of the use and occupation of certain premises, together with his costs in this court, taxed at twelve and 75/100 ($12.75) Dollars, and his costs in the Court below in this cause incurred, taxed at sixty-four and 75/100 ($64.75) Dollars.

P. L. Sherman and D. H. Pinney,
Appellants,
vs.
No. 991. ✓
Libbie Goodwin,
Appellee.

✓ It is ordered that the Motion to Dismiss the Appeal filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied.

P. L. Sherman and D. H. Pinney,
Appellants,
vs.
No. 991. ✓
Libbie Goodwin,
Appellee.

✓ The suggestion of diminution of the record and the Motion for an order requiring the Clerk of the District Court of Maricopa County to certify to this Court the remainder of the original files in this cause, filed herein by Appellee having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises; It is ordered that said motion be granted, and the Clerk of the District Court of Maricopa County is directed to certify to this Court a package of Letters filed January 15th, 1903, marked "Letters from Defendant"; a package of papers filed April 15th, 1903, marked "Copy of Letters filed" also five other exhibits.

Jan. 15-1907

No. 992.

Prescott National Bank,
Appellant,
vs.
A. J. Head,
Appellee.

It is ordered that the Motion to Strike from the files the Transcript of Reporter's notes, filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied.

No. 996.

Lulu Ferguson, and William Ferguson, her husband,
Appellants,
vs.
H. A. Morgan, as Administrator of the Estate of G. H. Saunders, deceased, and H. J. Clifford,
Appellees.

The Motion to Affirm the Judgment of the District Court, filed herein by Appellees, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that said Motion be granted, and the judgment of the lower court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Lulu Ferguson, Appellant herein, and H. A. Nicholson and Edward Sutton, sureties on Appeal Bond, herein, their costs in this court, taxed at Thirteen and 25/100 ($13.25) dollars, and their costs in the Court below in this cause heretofore taxed at Thirty-three and 45/100 ($33.45) dollars.

Margaret Ellen Jones,
Appellant,

No. 997. ✓ vs.

Charles H. Morris, and
Alice Hopkins Morris,
Appellees

✓ The Motion to Affirm the Judgement of the District Court, filed herein by Appellees, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the judgment of the lower court be, and the same is, hereby affirmed.

✓ It is further ordered, adjudged, and decreed that the Appellees herein, do have and recover of and from Margaret Ellen Jones, Appellant herein, and Theodore L. Seebold and Charles Merritt, sureties on appeal herein, their costs in this Court, taxed at twelve and 25/100 ($12.25) dollars, and their costs in the Court below in this cause incurred.

Nellie Mallory,
Plaintiff in Error,

No. 998. ✓ vs.

L. F. Eggert,
Defendant in Error.

✓ The Motion to Affirm the Judgement of the District Court, filed herein by Defendant in Error, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: Plaintiff in Error's Motion be denied on account of the insufficiency of the Transcript, which is hereby ordered stricken from the files, and a certificate from the Clerk of the District Court [illegible] which judgment and cause [illegible] record [illegible] cause [illegible]

Jan. 15- '07

No. 1000.

In the matter of the estate of Francisca Morales, deceased.

M. Pena del Pino,

Appellant,

vs.

Librada de Romero,

Appellee.

The Motion to Dismiss Appeal, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that said Motion be granted and the appeal be and the same is, hereby dismissed

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from M. Pena del Pino, Appellant herein, her costs in this cause, taxed at eighteen and 25/100 ($18.25) dollars.

No. 1001

Lillie S. Gill,

Appellant,

vs.

The Manhattan Life Insurance Company,

Appellee.

The suggestion of diminution of the record and the Motion for an order requiring the Clerk of the District Court of Cameron County to certify to this Court the whole record and Minute Entries in this cause, filed herein by Appellant having been heretofore submitted and by the court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is Ordered that said motion be granted and the Clerk of the District Court of Cameron County is directed to certify to this Court the whole record, and Minute

Continued this Cause

Ward Arint,
Appellant,
No. 1002. vs.
Gus Livingston, Sheriff,
Appellee.

The Motion to Dismiss the Appeal and Affirm the Judgment of the Court below, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, the appeal dismissed and the judgment of the lower court be and the same is, hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Ward Arint, Appellant herein, and H. C. Haupt and M. J. Nugent sureties on Supersedeas Bond herein, his costs in this Court, taxed at nine ($9.00) dollars, and his costs in the Court below in this cause incurred.

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W. O. Allred,
Appellant,
No. 1003. vs.
Mary J. Allred and Walter Cox,
Appellees.

The motion to Dismiss Appeal, filed herein by Appellees, having been heretofore submitted, and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises: It is ordered that said Motion be granted and the appeal be, and the cause is, hereby dismissed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from W. O. Allred, Appellant herein, [illegible]

Jan. 15-1907. costs in this cause taxed at fourteen and 50/100 ($14.50) dollars.

Union Iron Works,
a corporation, et al.,
Appellants,

No. 964. vs.

Vekol Mining & Milling
Company, a corporation, et al.,
Appellees.

It is ordered that the Motion to Dismiss the Appeal, filed herein by Appellees, and heretofore submitted, be and the same is, hereby denied.

It is further ordered that Appellant herein be given ten days in which to file reply to Motion to show cause and motion to Strike Abstract.

Rillito Canal Company,
a corporation,
Appellant,

No. 965. vs.

Frederick Schmidt,
Appellee.

On motion of Mr S.L. Kingan, attorney for Appellee herein, It is ordered that this cause be submitted on briefs.

Liberty Mining & Smelting Company, a corporation,
Appellant,
No. 966. vs.
Robert Geddes,
Appellee.

On motion of Mr. S. L. Patten, attorney for Appellee herein, It is ordered that this cause be set for hearing January 16th, 1907.

Ismael F. de Amado,
Appellant,
No. 967. vs.
B. Friedman,
Appellee.

On motion of Mr. S. L. Kingan, attorney for Appellant herein, It is ordered that this cause be submitted on briefs.

Thomas M. Smith,
Appellant,
No. 972. vs.
The Imperial Copper Company, a corporation,
Appellee.

On motion of Mr. Ben Goodrich, attorney for Appellee herein, It is ordered that this cause be submitted on briefs.

Jan. 15-'07

No. 973.

Thomas M. Smith,
Appellant,
vs.
The Imperial Copper Company,
a corporation,
Appellee.

On motion of Mr. Ben Goodrich, attorney for Appellee herein, It is ordered that this cause be submitted on briefs.

No. 974.

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona, at the relation and to the use of John W. Bogan, Treasurer and Ex-Officio Tax-Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

On motion of Mr. A.C. Baker for Appellants, herein, It is ordered that the hearing of this cause be set for January 18th, 1907.

No. 982.

Otis H. H. Schley,
Appellant,
vs.
Ed. L. Vail, et al., composing the Board of Supervisors of Pima County, Territory of Arizona, and F.B. Acree,
Appellees.

It is ordered by the Court that this cause be submitted on Briefs.

No. 987. John Stoffela,
Appellant,
vs.
P. J. Nugent,
Appellee.

It is ordered by the Court that this cause be passed

No. 999. M. J. Callahan,
Appellant,
vs.
John A. Barkley and Sam Davis,
co-partners under the firm
name of Barkley & Davis,
Appellees.

It is ordered by the Court that this cause be submitted on briefs.

No. 235. John Conchin,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. E. S. Clark, attorney for Respondent herein, It is ordered that this cause be submitted on briefs.

It is further ordered that Appellant herein have 10 days in which to file brief.

No. 963. C. Ramirez,
Plaintiff in Error,
vs.
Frank M. Klein,
Defendant in Error.

Jan. 15. 1907. Cause to be submitted on Briefs.

No. 976. ✓

L. Bonstrake,
Appellant,
vs.
R. S. Hunt, Sheriff of Cochise County and National Surety Company,
Appellees

✓ It is ordered by the Court that this cause be submitted on Briefs.

No. 980 ✓

John McGowan,
Appellant,
vs.
J. N. Gaines, as the Tax Collector of the County of Cochise, Territory of Arizona, et al.,
Appellees.

✓ On motion of Mr. H. L. Pickett, attorney for Appellees herein, It is ordered that the hearing of this cause be set for January 18th, 1907.

No. 983. ✓

National Metal Company, a corporation,
Appellant,
vs.
Greene Consolidated Copper Company, a corporation, et al.,
Appellees.

✓ On motion of Mr. Cutler, attorney for Appellees herein, It is ordered that the hearing of this cause be set for January 18th, 1907.

No. 988. ✓

Esgrillas Land & Cattle Company, a corporation,
Plaintiff in Error,
vs.
The St. David Co-operative Commercial & Development Association, a corporation, et al.,
Defendants in Error.

✓ On motion of Mr. S. L. Patee, attorney for appellants herein, It is ordered that this cause be set for hearing January 18th, 1907.

No. 995. ✓

John J. Howard, et al.,
Plaintiffs in Error,
vs.
Norton-Morgan Commercial Company, a corporation,
Defendant in Error.

✓ It is ordered by the Court that this cause be submitted on briefs.

No. 1004 ✓

Huachuca Water Company, a corporation,
Appellant,
vs.
The City of Tombstone, of the Territory of Arizona, a corporation,
Appellee.

✓ On motion of Mr. O. G. Fenn, attorney for appellant herein, It is ordered that this cause be set for hearing January 17, 1907.

Jan. 15-'07
No. 229.

Nellie Buffehr,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. E.S. Clark, attorney for Respondent herein, It is ordered that this cause be set for hearing January 23-1907.

It is further ordered that Respondent have 15 days in which to file briefs.

No. 234.

William Henry Cryer,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr E.J. Edwards, Attorney for Appellant herein, It is ordered that this cause be submitted on briefs.

It is further ordered that appellant be granted two days in which to file brief, and

It is further ordered that attorney for Respondent be granted 15 days thereafter to file his brief.

No. 236.

Tohe Lacey,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered by the Court that this cause be submitted on briefs.

On motion of Mr. E.S. Clark, attorney for Respondent herein, It is further ordered that he be granted 15 days in which to file brief.

No. 237.

Territory of Arizona,
Appellant,
vs.
James Logan Alexander,
Respondent.

On motion of Mr. Morrison for Appellant herein, It is ordered that this cause be set for January 17th, 1907, on oral argument.

No. 961.

Presley L. Noter,
Appellant,
vs.
The Gila Valley, Globe & Northern Railway Company, a corporation,
Appellee.

It is ordered by the Court that this cause be submitted on briefs.

No. 969.

Clara A. Kinney,
Appellant,
vs.
J. C. Landy,
Appellee.

It is ordered by the Court that this cause be submitted on briefs.

No. 971.

Old Dominion Copper Mining and Smelting Company,
Appellant,
vs.
Nellie Heaney, Harry Jerome, etal,
Appellees.

It is ordered that this cause be set for January [illegible]

Jan 15-'07

No. 978. ✓

Montezuma Canal Company,
a corporation,
Appellant,
vs.
Smithville Canal Company,
et al.,
Appellees.

On motion of Mr. Chas. L. Rawlins, attorney for Appellant herein, It is ordered that this cause be set for January 17th, 1907, on oral argument.

No. 979. ✓

James H. York,
Appellant,
vs.
The United Globe Mines,
a corporation,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 993. ✓

R. H. Daniel, et al.,
Appellants,
vs.
James Gallagher, et al.,
Appellees.

On motion of Mr. E. J. Edwards, attorney for Appellant herein, It is ordered that this cause be set for January 24, 1907, on oral argument.

No. 994. ✓

J. N. Carter,
Appellant,
vs.
J. H. Brown,
Appellee.

On motion of Mr. E. J. Edwards, attorney for

For Appellant herein, It is ordered that this cause be set for January 25, 1907, for oral argument.

No. 239. ✓

R. M. Buchanan,
Appellant,
vs.
United States of America,
Respondent.

On mo. Mr. J. L. B. Alexander, attorney for Respondent herein, and moves the Court for leave to withdraw temporarily the Reporter's Transcript of Testimony filed in this cause.

No. 239. ✓

R. M. Buchanan,
Appellant,
vs.
United States of America,
Respondent.

In this cause, It is ordered by the Court that the Motion of Attorney for Respondent for leave to withdraw temporarily the Reporter's Transcript of Testimony, be and the same is hereby granted.

No. 233. ✓

William Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. Murphy for Respondent herein, It is ordered that the hearing of this cause be set for January 19, 1907.

Ten days were ordered that Respondent may answer within.

Jan. 15-'07.

James R. Sias,
Appellant,
vs.
No. 238. ✓
Territory of Arizona,
Respondent.

On motion of attorney for Respondent herein, It is ordered that this cause be submitted on briefs.

It is further ordered that Respondent be granted 20 days in which to file brief.

R. M. Buchman,
Appellant.
vs.
No. 239. ✓
United States of America,
Respondent.

It is ordered by the Court that this cause be submitted on briefs, and that Respondent have 15 days in which to file brief.

William Thomas,
Appellant,
vs.
No. 240. ✓
Territory of Arizona,
Respondent.

On motion of Mr. Robt. E. Morrison, attorney for Appellant herein, It is ordered that the Record in this case may be filed, and

It is further ordered that this cause be set for hearing January 21-1907.

No. 892. Henry P. Ewing, et al., Appellants, vs. United States of America, Appellee.

It is ordered by the Court that this cause be re-submitted on briefs.

No. 960. In the Matter of The American Copper Company, Bankrupt. In re Petition of Benjamin Blanchard and Howell Mining Company, for Review.

On motion of Mr. Robt. E. Morrison, attorney for Petitioners herein, It is ordered that this cause be set for January 22-1907, on oral argument.

No. 960a In the Matter of The American Copper Company, Bankrupt. Benjamin Blanchard and Howell Mining Company, Appellants, vs. G. H. Ammons, and Other creditors named in citation on appeal herein, Appellees.

On motion of Mr. J. M. Carr, attorney for appellees herein, It is ordered that this cause be set for January 22-1907, on oral argument.

Jan. 15-'07

No. 975. ✓

The County of Coconino,
Appellant,
vs.
The Board of Supervisors of
Coconino County, Arizona,
et al.,
Appellees.

On motion of Mr. E. M. Doe, attorney for Appellees herein, It is ordered that this cause be set for hearing January 16-1907.

No. 986. ✓

The Equitable Life Assurance
Society of the United States,
a corporation,
Appellant,
vs.
David Babbitt, et al., copartners,
doing business under the firm
name and style of Babbitt Brothers,
Appellees.

On motion of Mr. E. M. Doe, attorney for Appellees herein, It is ordered that this cause be set for hearing January 19th. 1907.

On motion of Mr. Paul Burks, attorney for Appellant herein, It is ordered that he be granted until January 28. 1907, in which to file his reply brief.

No. 989. ✓

Martin Bryggen et al.,
Appellants,
vs.
Niles J. Cameron, et al.
Appellees.

On motion of Mr. U. S. Chapter,
[illegible] Appellees [illegible]

that this cause be set for hearing January 16 th, 1907.

No. 992. ✓ Prescott National Bank,
Appellant,
vs.
A.J. Head,
Appellee.

On motion of Mr. J.M. Ross, attorney for Appellant herein, It is ordered that this cause be set for hearing January 23-1907.

No. 1001. ✓ Lillie S. Gill,
Appellant,
vs.
Manhattan Life Insurance Company,
Appellee.

On motion of Mr. Thos. Armstrong, Jr., attorney for Appellant herein, It is ordered that this cause be continued for the term.

No. 1007 ✓ On motion of Mr. E.M. Doe, It is ordered by the Court that he be granted permission to file a Stipulation in a case entitled Ralph H. Cameron Plaintiff v. Grand Canyon Railway Company, a corporation, The Atchison, Topeka & Santa Fe Railway Company, a corporation, Santa Fe Pacific Railroad Company, a corporation, Morton Bengelen, Ford Harvey, Fred Harvey, John Doe and Richard Roe.

Jan. 15-'07

No. 983.

National Metal Company,
a corporation,
Appellant,
vs.
Greene Consolidated Copper
Company, a corporation, et al.,
Appellees

On motion of Mr. S.L. Patten, for appellees herein, It is ordered that this cause be re-set for January 26-1907.

No. 988.

Boguillas Land & Cattle Company,
a corporation,
Plaintiff in Error,
vs.
The St. David Co-operative Commercial & Development Association, a corporation, et al.;
Defendants in Error.

On motion of Mr. S.L. Patten, for Plaintiff in Error herein, It is ordered that this cause be re-set for January 26-1907.

No. 232.

R.E. Dagger,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. E.S. Clark, attorney for Respondent herein, It is ordered that he be granted 60 days in which to file brief, and

On motion of attorney for appellant herein, It is ordered that he be granted 30 days thereafter in which to file reply brief; and

It is further ordered that this cause be continued for the term.

No. 964. ✓

Union Iron Works, a corporation, et al.,

Appellants,

vs.

Yekol Mining & Milling Company, a corporation, et al.,

Appellees.

✓ On motion of Mr. E.J. Edwards, attorney for Appellants herein, It is ordered that the name of Mr. A.C. Baker be entered of record as of counsel for Appellants.

✓ On motion of Mr. A.C. Baker, for appellants, It is ordered that he be granted 10 days in which to file reply brief.

✓ It is further ordered that this cause be submitted on briefs.

No. 968. ✓

Charles L. Kinsley,

Appellant,

vs.

New Vulture Mining Company,

Appellee.

✓ On motion of Mr. Robt. E. Morrison, attorney for Appellant herein, It is ordered that the hearing of this cause be set for January 19-1907.

No. 977. ✓

George H. Christian and John R. Norton, Intervenors,

Plaintiffs in Error,

vs.

James H. Perkins,

Defendant in Error.

✓ It is ordered that this cause be submitted on briefs.

✓ On motion of Mr. C.E. Ainsworth, attorney for Defendant in Error herein, It is ordered that he be granted leave to file Brief in Support

Jan. 15-'07

No. 990 ✓

Maria O. Otero,
Appellant,
vs.
Joseph J. Otero, et al.,
Appellees.

On motion of Mr. C. F. Ainsworth, attorney for Appellant herein, It is ordered that this cause be set for hearing January 25. 1907.

No. 991 ✓

P. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

On motion of Mr. D. H. Cinney, attorney for Appellants herein, It is ordered that this cause be set for hearing January 25, 1907.

No. 1005 ✓

R. N. Leatherwood,
Appellant,
vs.
R. R. Richardson, et al.,
Appellees.

It is ordered by the Court that this cause be submitted on briefs.

It is ordered that this Court stand adjourned until to-morrow morning, January 16th, at 10 o'clock.

Chief Justice.

Supreme Court, } January Term, A.D., 1907.
Territory of Arizona. } Phoenix, Arizona, Wednesday, January 16-1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gittle, Jr., Clerk.
M. H. Calderwood, Crier.
J. E. Wolf, Bailiff.

The following Business was transacted -

No. 943. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Louis Zeckendorf,
Appellee.

On motion of Mr. S. L. Patee, for Appellants, herein, It is ordered that this cause be submitted on Brief.

It is further ordered that Appellants herein be granted 30 days from this day in which to file Brief; and

It is further ordered that Appellee herein be granted 30 days from this day in which to file Brief.

No. 988. ✓

Yoquilla Land & Cattle Company, a corporation,
Plaintiff in Error,
vs.
The St. David Co-operative Commercial & Development Association, a corporation, et al.,
Defendants in Error.

Cause dismissed at cost of Plaintiff in Error, upon motion of Mr. [illegible] for Defendants in Error herein,

Jan. 16 '07 Permission to correct typographical error in Briefs of Plaintiff in Error

No. 234.

William Henry Boyer,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. E.J. Edwards, attorney for Appellant herein, It is ordered that the time heretofore granted Appellant, for filing brief, be extended three days.

No. 966.

Liberty Mining & Smelting Company, a Corporation,
Appellant,
vs.
Robert Geddes,
Appellee.

On motion of Mr. S.H. Purcell, attorney for Appellant herein, It is ordered that he be granted leave to submit additional authorities by brief.

It is further ordered that this cause be submitted on briefs.

No. 975

The County of Coconino,
Appellant,
vs.
The Board of Supervisors of Coconino County, Arizona, et al.,
Appellees.

This cause coming on this day for hearing, was argued by Mr. H.F. Ashurst for Appellant, and Mr. Edward M. Doe for Appellees, and cause submitted.

Martin Buggeln, et al.,
Appellants,
vs.
No. 989. ✓ Niles J. Cameron, et al.,
Appellees.

This cause coming on regularly for hearing was argued by Mr. U.F. Clotfelter for Appellants and Mr. Edward M. Doe for Appellees, and cause ordered submitted.

It is further ordered that Appellees herein have 12 days in which to file brief; and

It is further ordered that Appellants have 6 days thereafter in which to file reply brief.

Territory of Arizona,
Appellant,
vs.
No. 237. ✓ James Logan Alexander,
Respondent.

On motion of Mr. Chas. L. Rawlins, for appellant herein, he was granted permission to argue this cause for Appellant at this time instead of January 17th, after argument by Mr. Rawlins, cause was ordered submitted.

Martin Buggeln, et al.,
Appellants,
vs.
No. 989. ✓ Niles J. Cameron, et al.,
Appellees.

On motion of Mr. U.F. Clotfelter, attorney for Appellants herein, It is ordered that he be granted permission to substitute Abstract of Record for Transcript of Record, for use already on file.

Jan. 16-07. It is ordered that this court stand adjourned until to-morrow morning, January 17th, at 10 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1907.
Territory of Arizona. } Phoenix, Arizona, Thursday, January 17-1907.

Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "

F. A. Gritle, Jr., Clerk.
M. H. Caldelwood, Crier.
J. L. Wolf, Bailiff.

The following business was transacted.

On motion of Mr. S. L. Patee, It is ordered that Mr. S. V. McClure, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open Court, Mr. McClure took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure:

Montezuma Canal Company,
a corporation,
Appellant,

No. 978. vs.

Smithville Canal Company, et al.,
Appellees.

This cause coming on this day for hearing, was argued by Mr. Chas. L. Rawlins and Mr. Thos. Francisco, Jr., for Appellant, and Mr Walter Bennett for Appellees, and cause ordered submitted.

Huachuca Water Company,
a corporation,
Appellant,

No. 1004. vs.

The City of Tombstone, of the Territory of Arizona,
a corporation,
Appellee.

This cause coming on this day for hearing, was argued by Mr. O. Gibson for Appellant and Mr. H.L. Pickett for Appellee, and cause ordered submitted.

It is ordered that this court stand adjourned until tomorrow, January 18th at 10 o'clock A.M.

Fitzpatrick Chief Justice.

Jan'y 18-'07 Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona, Friday, January 18-1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gritle, Jr., Clerk.
M.H. Calderwood, Crier,
J.L. Wolf, Bailiff.

The following business was transacted.

No. 974 ✓

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona, at the relation and to the use of John H. Bogan, Treasurer and ex-Officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

On motion of Mr. A.C. Baker, for Appellants herein, It is ordered that Mr. Jas. Reilly, attorney for Appellants, be permitted to argue this cause at a later date, he not being able to be present to day.

No. 980 ✓

John McGowan,
Appellant,
vs.
J.H. Gaines, as Tax Collector of the County of Cochise, Territory of Arizona, et al.,
Appellees.

On motion of Mr. H.H. Rieckhoff, attorney for

Appellees herein, It is ordered that this cause be entered with the understanding that Mr. John McGraw be allowed to make oral argument later if so desired, he not being able to be present to-day.

On motion of Mr. H.L. Pickett, attorney for Appellees herein, It is further ordered that he be permitted to withdraw temporarily, from the files in this cause a copy of Appellees brief.

No. 979.

James H. Work,
Appellant,
vs.
The United Verde Mines
a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that this cause be, and the same is, hereby dismissed for want of prosecution.

No. 999.

M. J. Callahan,
Appellant,
vs.
John A. Barkley, and Sam Davis, co-partners under the firm name of Barkley & Davis,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, It is ordered that [illegible] be dismissed for [illegible] It is further

ordered, adjudged and decreed that the Appellees herein do have and recover of and from M. J. Callahan, Appellant herein, their costs in this cause, taxed at three and 50/100 ($3.50) Dollars.

Jan. 18- '07

No. 982.

Otto H. H. Schley,
Appellant,
vs.
Ed. L. Vail, Phillip Hughes, and C. G. Richardson, composing the Board of Supervisors of Pima County, Territory of Arizona, and F. B. Close,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that this cause be, and the same is, hereby dismissed for want of prosecution.

No. 994.

J. N. Porter,
Appellant,
vs.
J. H. Brown,
Appellee.

On motion of Mr. L. L. Henry, attorney for Appellee herein, It is ordered that he be granted leave to file motion to strike Appellant's brief from the files, and motion to dismiss appeal.

It is further ordered that these motions be taken up when the case is heard.

No. 998.

Nellie Mallory,
Plaintiff in Error,
vs.
L. F. Eggers,
Defendant in Error.

On motion of Mr. L. L. Henry, attorney for Plaintiff in Error herein, It is ordered that the Stipulated leave to file Motion for leave to file

the transcript of record from the lower court, into this court the same as if the record had been filed within the time required by law and the rules of this court.

Allen R. English, et al.,
Appellants,
No. 974. vs.
The Territory of Arizona, at the relation and to the use of John H. Vogan, Treasurer and ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

This cause coming on this day for hearing, was argued by Mr. S.L. Kingan for appellee, and considered submitted, argument for appellants to be heard later.

Nellie Maltory,
Plaintiff in Error,
No. 998. vs.
L.F. Eggers,
Defendant in Error.

On motion of Mr. L.L. Henry, attorney for Plaintiff in Error herein, It is ordered that the motion for leave to file transcript of record be heard January 22nd, 1907.

It is ordered that this court stand adjourned until tomorrow, January 19th, at 10 o'clock A.M.

Clerk

Jan. 19-'07 Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona. Saturday, January 19-1907.

Court opened at 10 o'Clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle, Jr., Clerk
M. H. Calderwood, Crier.
J. L. Hoff, Bailiff.

The following business was transacted -

It is hereby ordered that the times for holding the district court of the Fifth Judicial District in its exercise of the jurisdiction conferred upon it by paragraph nineteen hundred and ten of the Revised Statutes of the United States, and also the District Court of said District in and for the County of Gila, held under the authority of paragraph eighteen Hundred and twenty-four of said statutes are hereby fixed, and the terms thereof shall be held as follows:

For the year 1907 on the last Tuesday in January and the first Monday in November; and in each year thereafter on the first Monday in May and the first Monday in November.

Dated January 19, 1907.

Edward Kent,
Chief Justice.
Richard E. Sloan,
Associate Justice.
Fletcher M. Doan,
Associate Justice.
John H. Campbell,
Associate Justice.
Frederick S. Nave,
Associate Justice.

Priscilla Bradford,
Appellant,
No. 959. ✓ vs.
Robert E. Morrison,
Appellee.

On motion of Mr. E. M. Sanford, attorney for Appellant herein, It is ordered that he be granted permission to file Motion for allowance of appeal to the Supreme Court of the United States from the judgement heretofore rendered by this Court in said action.

Charles L. Kinsley,
Appellant,
No. 968. ✓ vs.
New Verture Mining Company,
Appellee.

This cause coming on regularly for hearing and it being impossible for attorney for Appellee to be present, on motion of Mr. Robt. E. Morrison, attorney for Appellant herein: It is ordered that this cause be submitted on briefs, without argument.

Priscilla Bradford,
Appellant,
No. 959. ✓ vs.
Robert E. Morrison,
Appellee.

The Motion for Allowance of Appeal to the Supreme Court of the United States from the Judgement heretofore rendered by this Court in said cause, filed herein by Appellant, coming on to be heard, and it appearing to the Court that [illegible]

Jan. 19 '07 the appeal prayed for be, and the same is, hereby allowed, the value of the property in controversy exceeding the sum of five thousand dollars ($5,000.) and,

It is further ordered that Citation issue on appellant's filing a bond in the sum of one thousand dollard ($1,000.) with two or more good and sufficient sureties, and recitation stayed for sixty days.

No. 233. William Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on regularly for hearing was argued by Mr. Fred Morrison and Mr. Robt. E. Morrison for Appellant and Mr. E. S. Clark for Respondent, and cause ordered submitted.

No. 986. The Equitable Life Assurance Society of the United States, a corporation,
Appellant,
vs.
David Babbitt, et al., co-partners, doing business under the firm name and style of Babbitt Bros.,
Appellees.

This cause coming on regularly for hearing was argued by Mr. Paul Brooks for Appellant and Mr. Edward M. Doe for Appellees, and cause ordered submitted.

It is ordered that this court stand adjourned until Monday, January 21st, 1907, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona, Monday, January 21- 1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
G. A. Tuttle, Jr. Clerk.
M. H. Calderwood, Crier.
J. L. Holt, Bailiff

The following business was transacted.

Prescott National Bank,
Appellant,
vs.
No. 992. A. J. Head,
Appellee.

On motion of Mr. Robt. E. Morrison, attorney for Appellee herein, It is ordered that the hearing of this cause be set for January 25th, 1907.

It is further ordered that Appellee have to and including Friday the extended one day.

Jan. 21-'07.

No. 240.

William Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on regularly for hearing was argued by Mr. Robt. E. Morrison for Appellant and Mr. E.S. Clark for Respondent, and cause ordered submitted.

On motion of Mr. Robt. E. Morrison, attorney for Appellant herein, It is ordered that he be granted permission to correct Appellant's Brief.

It is ordered that this Court stand adjourned until tomorrow, January 22nd 1907, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona. Tuesday, January 22. 1907.

Court opened at 10 o'clock A.M.

Present: Honorable, Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Noon, " "
F.A. Gritts, Jr., Clerk,
M.H. Calderwood, Crier,
J.L. Hoy, Bailiff.

The following proceedings were transacted.

No. 998. ✓

Nellie Mallory,
Plaintiff in Error,
vs.
L. F. Eggers,
Defendant in Error.

On motion of Mr. O. M. Congdon, for Defendant in Error, It is ordered that Defendant in Error be granted leave to file affidavits

No. 960. ✓

In the Matter of The American Copper Company, Bankrupt.
In re Petition of Benjamin Blanchard and Howell Mining Company, for Review.

✓ This cause coming on for hearing, the motion to Dismiss Petition for Review was argued by Mr. Robt. E. Morrison for Petitioners and Mr. Jas. J. Hawkins for Creditors, and motion ordered submitted.

No. 960 A. ✓

In the Matter of the American Copper Company, Bankrupt.
Benjamin Blanchard and Howell Mining Company,
Appellants,
vs.
G. H. Ahrens, et al.,
Appellees.

✓ This cause coming on for hearing, the motion to Dismiss the Appeal was argued by Mr. Robt. E. Morrison for Appellants and Mr. Jas. J. Hawkins for Appellees, said Motion ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 23. 1907 at 10 o'clock A.M.

Erskine M. Ross
U. S. Circuit Judge.

Jan. 23. '07 Supreme Court, } January Term, A. D. 1907.
Territory of Arizona, } Phoenix, Arizona. Wednesday, January 23 1907.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle, Jr., Clerk,
M. H. Calderwood, Crier.
J. L. Hoff, Bailiff,

The following business was transacted -

No. 977. George H. Christian, and
John R. Norton, Intervenors,
Plaintiffs in Error,
vs.
James H. Pershing,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the cause and being fully advised in the premises;

It is ordered that said cause be and the same is, hereby dismissed for want of prosecution.

No. 978. Nellie Mallory,
Plaintiff in Error,
vs.
L. F. Eggers,
Defendant in Error.

In this cause - It is ordered that the motion for leave to file the transcript of the record, filed herein by Plaintiff in Error, be and the same is,

Granted [illegible]

No. 998.

Nellie Mallory,
Plaintiff in Error,
vs.
L. F. Eggers,
Defendant in Error.

The Motion to Affirm the Judgment of the District Court, filed herein by Defendant in Error, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said Motion be granted, and the judgment of the lower court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, do have and recover of and from Nellie Mallory, Plaintiff in Error herein, and H. J. Mallory, Frank Gill and Geo H. O. Hunt, sureties on Supersedeas Bond the sum of One thousand dollars ($1,000.) together with legal interest thereon from date of judgment entered in the lower court, until paid, the sum of One hundred dollars ($100.) attorneys fees, his costs in this court, taxed at eighteen and 40/100 dollars ($18.40), and his costs in the court below in this cause incurred.

No. 991

P. L. Sherman, et al.,
Appellants,
vs.
Libbie Godwin,
Appellee.

On motion of Mr. H. J. Mallory, attorney for Appellee herein, it is ordered that plaintiff's costs herein be retaxed by the

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Jan. 23. '07

No. 229. Nellie Buffkin,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by Mr. Webster Street for Appellant and Mr. E. J. Edwards for Respondent, and cause reserved submitted.

No. 239. R. M. Buchman,
Appellant,
vs.
United States of America,
Respondent.

On motion of Mr J. F Wilson, It is ordered that his name be entered of record as of counsel for Appellant.

It is ordered that this court stand adjourned until to-morrow, January 24-1907. at 10 o'clock A.m.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona. Thursday, January 24th - 1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justices.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "

F.A. Gritle, Jr., Clerk
M.H. Calderwood, Crier
J.L. Wolf, Bailiff.

The following business was transacted -

In the matter of the account of the Clerk of this Court for per diem from Dec. 3rd to Dec. 31st 1906

Whereas, Frederick A. Gritle, Jr., Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the 3rd day of December, 1906 to the 31st day of December, 1906, with the items thereof, in the presence of the United States District Attorney and has, by his oath attached to the account sworn to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to one and 60/100 ($1.60) dollars, be, and the same is, hereby approved.

It is hereby certified that upon each day for which a per diem is charged on this account the Court was in session and the Judges were actually engaged in hearing [illegible] Territory of Arizona.

January 24th 1907.

Jan. 24-'07

No. 239. ✓

R. M. Bruchman,
Appellant,
vs.
United States of America,
Respondent.

In this cause - It is ordered that the time granted Respondent in which to file Brief be extended five days -

No. 964. ✓

Union Iron Works, a corporation, et al.,
Appellants,
vs.
Uekol Mining & Milling Company, a corporation, et al.,
Appellees.

On motion of Mr. A. C. Baker, attorney for Appellants herein, It is ordered that he be granted leave to file Affidavit of Mailing a copy of response to Appellees' Motion to Show Cause, to attorney for Appellees, herein.

No. 971. ✓

Old Dominion Copper Mining and Smelting Company,
Appellant,
vs.
Nellie Haverly, Harry Johns, James Hall and Joseph E. Hall,
Appellees.

This cause coming on regularly for hearing, was argued by Mr. Sorin for Appellant and Mr. E. J. Edwards for Appellees, and cause ordered submitted.

On motion of Mr. Sorin, It is ordered that he be granted leave to add authority to Appellants Brief, Pages 94.

R. H. Daniel, et al.,
Appellants,
vs.
James Gallagher, et al.,
Appellees.

No. 993.

On motion of Mr. E. J. Edwards, attorney for Appellants herein, It is ordered that he be granted leave to file duplicate Statement of Facts.

On motion of Mr. E. J. Edwards, for Appellants, it is ordered that this cause be submitted on briefs.

It is ordered that this court stand adjourned until tomorrow, January 25, 1907, at 10 o'clock, A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1907.
Territory of Arizona. } Phoenix, Arizona. Friday, January 25, 1907.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Hare, " "
G. A. Gritts, Jr., Clerk.
M. H. Caldenwood, Crier.
J. L. Hoff, Bailiff.

The following Entries were Transacted.

Jan. 25- '07 In the Matter of the account of the Clerk of this Court for per diem from October 1st to November 26th 1906.

Whereas there has been rendered to this Court an account for the fees earned by Shelby M. Cullom, late Clerk of the Supreme Court of Arizona, for his official services from the first day of October, 1906 to the twenty-sixth day of November, 1906, with the items thereof, in the presence of the United States District Attorney, and Angie B. Parker, a person having knowledge of the facts by her oath attached to the account has proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated, and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to twenty-two and 40/100 ($22.40) dollars, be, and the same is hereby, approved.

It is hereby certified that upon each day for which a per diem is charged in this account the Court was opened for business and the Judges present and presiding.

January 25- 1907.

Edward Kent,
Chief Justice, Supreme Court,
Territory of Arizona.

Prescott National Bank,
Appellant,
vs.
No. 992. A. J. Head,
Appellee.

On motion of Mr. S. L. Patton, attorney for Appellee herein, It is ordered that he be granted leave to correct Appellee's brief.

On motion of Mr. I. H. Norris, It is ordered that Mr. Neil M. Allred, who holds a certificate from the Supreme Court of the State of Florida, be admitted to practice on this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open Court Mr. Allred took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

John Mc Govan,
Appellant,
vs.
No. 980. J. N. Garner, as the Tax Collector of the County of Cochise, Territory of Arizona, et al.,
Appellees.

On motion of Mr. Pickett, attorney for Appellees herein, It is ordered that this cause be submitted on briefs, without argument.

J. N. Carter,
Appellant,
vs.
No. 994. J. H. Brown,
Appellee.

On motion of Mr. Geo. J. Sturgeon, attorney for Appellee herein, It is ordered that he be granted the regular time in which to file brief.

It is further ordered that Appellant be granted the regular time in which to file reply brief.

On motion of Mr. E. J. Edwards, attorney for Appellant herein, It is ordered that he be granted permission to file duplicate Statement of Facts as the Original.

This cause coming on regularly for hearing was argued by Mr. E. J. Edwards for Appellant and Mr. Geo. J. Sturgeon for Appellee, and cause

Jan. 25- '07

No. 990.

Maria O. Otero,
Appellant,
vs.
Joseph J. Otero, et al.,
Appellees.

This cause coming on regularly for hearing was argued by Mr. J. J. Lipsohn for Appellant and Mr. Walter Bennett for Appellees, and cause ordered submitted.

No. 991.

P. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

This cause coming on regularly for hearing was argued by Mr. D. H. Pinney for Appellants and Mr. H. J. Kingsbury for Appellee, and cause ordered submitted.

On motion of Mr. D. H. Pinney, attorney for Appellants herein, It is ordered that he be granted leave to make various corrections in his Abstract of Record.

On motion of Mr. Walter Bennett, attorney for Appellants herein, It is ordered that he be granted leave to file Supplemental Brief.

On motion of Mr. H. J. Kingsbury, attorney for Appellee herein, It is ordered that he be granted permission to file additional authorities.

Court took a recess until 2 o'clock this afternoon.

Court re-convened at 2 o'clock P.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
and the Clerk.
The following business was transacted.—

No. 992. Prescott National Bank, Appellant, vs. A. J. Head, Appellee.

This cause coming on regularly for hearing was argued by Mr. F. J. Norris and Mr. N. M. Allred for Appellant, and Mr. D. L. Cattle for Appellee, and cause ordered submitted.

It is ordered that this Court stands adjourned until to-morrow, January 26-1907, at 10 o'clock A. M.

Chief Justice.

Jan. 26-'07

Supreme Court, } January Term, A. D. 1907.
Territory of Arizona. } Phoenix, Arizona Saturday January 26-1907.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave. " "

F. A. Gritle, Jr., Clerk
M. H. Calderwood, Crier.
J. L. Wolf, Bailiff.

The following business was transacted.

Zogniller Land & Cattle
Company, a corporation,
Plaintiff in Error,
vs.
The St David Co-operative Commercial & Development Association,
a corporation, et al.,
Defendants in Error.

No. 988.

On motion of Mr. S. L. Patee, for Plaintiff in Error herein, It is ordered that this cause be submitted on briefs, without argument.

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona, at the relation and to the use of John H. Logan Treasurer and Ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

No. 974.

On motion of Mr. A. C. Baker, for Appellants Pro. tem., It is ordered that he be granted leave to argue the cause, for Appellants, today.

No. 991. ✓

P. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

On motion of Mr. D. H. Ainsworth, attorney for Appellants herein, It is ordered that he be granted permission to correct Abstract of Record on page 17.

No. 983. ✓

National Metal Company,
a corporation,
Appellant,
vs.
Greene Consolidated Copper
Company, a corporation, et al.,
Appellees.

This cause coming on regularly for hearing, was argued by Mr. Jno. J. Hawkins and Mr. J. M. Ross, for Appellant, and cause ordered submitted.

No. 974. ✓

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona, at the
relation and to the use of John
H. Bogan, Treasurer and ex-Officio
Tax Collector in and for the County
of Pima, in the Territory of Arizona,
Appellee.

This cause coming on at this time for hearing was argued by Mr. A. C. Baker for Appellants, and cause ordered submitted.

On motion of Mr. A. C. Baker, It is ordered that the Appellants be granted to and including the 15th day of [illegible] to file [illegible] brief.

Jan. 26-'07 It is ordered that this Court stand adjourned until March 19th, 1907, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona. Tuesday, March 19-1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gritle, Jr., Clerk.
M.H. Calderwood, Crier.
J.L. Hoy Bailiff.

The following business was transacted.

On motion of Mr. E.E. Ellinwood, It is ordered that Mr. George Harcourt Neale, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual Oath.

Thereupon, in open Court Mr. Neale took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. A.C. Baker, It is ordered that Mr. J.F. Matthews who holds a certificate from the Supreme Court of the State of Tennessee, be admitted to practice in this court upon signing the Roll of Attorneys and taking the

usual oath.

Whereupon, in open court, Mr. Matthews took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. E.E. Ellinwood, It is ordered that Mr. George H. Crosby, Jr., who holds a certificate from the Supreme Court of the State of Utah, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open Court Mr. Crosby took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

Comes and Mr. A.C. Baker, and moves that a committee be appointed to examine Mr. Joseph Heller as to his qualifications to practice in this court.

Comes and Mr. E.S. Clark, and moves that a committee be appointed to examine Mr. Lewis H. Oldham as to his qualifications to practice in this court.

Comes and Mr. H.G. Wilkinson, and moves that a committee be appointed to examine Mr. Wm. E. Linden as to his qualifications to practice in this court.

The Court appointed Mr. Walter Bennett, Mr. E.E. Ellinwood and Mr. Paul Baker, a committee to examine Messrs. Joseph Heller, Lewis H. Oldham and Wm. E. Linden, as to their qualifications to practice in this court.

March 19-'07

No. 966.

Liberty Mining & Smelting Company, a corporation,
Appellant,
vs.
Robert Geddes,
Appellee.

It is ordered that the Motion that this cause be re-opened and re-submitted for the purpose of having the Court Reporter's notes certified to by the Trial Judge, filed herein by Appellant, be submitted.

No. 979.

James H. Hork,
Appellant,
vs.
The United Globe Mines, a corporation,
Appellee.

It is ordered that the Motion to Re-instate Appeal, filed herein by Appellant, be submitted.

No. 982.

Otis H. H. Schley,
Appellant,
vs.
Ed. L. Vail, et al., composing the Board of Supervisors of Pima County, Territory of Arizona, and F. E. Clark,
Appellees.

It is ordered that the Motion to Re-instate Appeal, filed herein by Appellant, be submitted.

No. 995. ✓

John J. Howard and George Rawn,
Plaintiffs in Error,
vs.
Norton-Morgan Commercial Company,
a corporation,
Defendant in Error.

It is ordered that the Motion to Dismiss the Appeal and Writ of Error, for want of jurisdiction, filed herein by Defendant in Error, be submitted.

No. 995 ✓

John J. Howard and George Rawn
Plaintiffs in Error,
vs.
Norton-Morgan Commercial Company,
a corporation,
Defendant in Error.

It is ordered that the Motion to Strike Brief and Argument of Defendant in Error from the files, filed herein by Plaintiffs in Error, be submitted.

No. 999 ✓

M. J. Callaham,
Appellant,
vs.
John A. Barkley and Sam Davis,
co-partners under the firm name
of Barkley and Davis
Appellees.

It is ordered that the Motion to Re-instate Appeal filed herein by Appellant, be submitted.

It is ordered that this Court stands adjourned until Friday, March 22, 1907, at 10 o'clock A.M.

Chief Justice

Mch. 22-'07.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona Friday March 22-1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
F.A. Gittle Jr., Clerk
M.H. Calderwood, Crier,
J.L. Hoel Bailiff.

The following business was transacted:-

No. 866.

Beauchamp H. Smith,
Plaintiff in Error,
vs.
The King of Arizona Mining and Milling Company, et al.,
Defendants in Error.

It is ordered that the Motion for an order requiring the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Pima, to transmit forthwith to the Clerk of this Court the record heretofore before this Court in this cause, filed herein by Plaintiff in Error, be submitted.

No. 866.

Beauchamp H. Smith
Plaintiff in Error,
vs.
The King of Arizona Mining and Milling Company, et al.,
Defendants in Error.

It is ordered that the Motion for an order substituting C. Elmer Smith and D. Faho Smith, executors of S.H. Smith, deceased, as Appellants in this cause, filed herein by Plaintiff in Error, be submitted.

D. E. Gray, Esq. attorney for Plaintiff in Error, be submitted.

No. 967. ✓

John Stoffel,
Appellant,
vs.
M. J. Nugent,
Appellee.

It is ordered that the Motion for an order transcribing the record in this cause to the District Court of the First Judicial District of the Territory of Arizona in and for Yuma County, filed herein by Appellee, be submitted.

No. 966. ✓

Liberty Mining & Smelting Company, a corporation,
Appellant,
vs.
Robert Geddes,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises; It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from the Liberty Mining & Smelting Company, a corporation, Appellant herein, and the Title Guaranty & Trust Company of Scranton, Pennsylvania, sureties on Supersedeas Bond, the sum of three hundred forty-one and 30/100 ($341.30) dollars, together with costs in the District Court in this cause, taxed at One Hundred six and 95/100 ($106.95) dollars, and the costs incurred in the Court of Appeals in this cause, taxed at Twenty-one and 20/100 ($21.20) dollars.

Feb. 22: '07

No. 967.

Ismael F. de Amado,
Appellant,
vs.
B. Friedman,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Ismael F de Amado and The American Surety Company of New York, a corporation, surety on Supersedeas Bond herein, the sum of Four Thousand and Eight Hundred ($4800.00) Dollars, and his costs in the lower court in this cause expended, taxed at the sum of Ninety-seven Dollars and Sixty-five Cents ($97.65) together with legal interest thereon from the Second day of December, 1905, until paid, and his costs in this court, taxed at

No. 976.

L. Bonbrake,
Appellant,
vs.
R. S. Hunt, Sheriff of Cochise County and National Surety Company,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, do have and recover of and from L. Bonbrake, Appellant herein, and John Aniland and H. Hines, sureties on Appeal Bond herein, their costs in this cause, taxed at [illegible] Dollars, except such costs in the Court below in the Court below, expended

National Metal Company,
a corporation,
Appellant,

No. 983. vs.

Greene Consolidated Copper
Company, a corporation, and
Cananea Consolidated Copper
Company, Sociedad Anonima,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby reversed with direction to that court to overrule the demurrer to the complaint to the end that further proceedings may be had not inconsistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Greene Consolidated Copper Company and the Cananea Consolidated Copper Company, Appellees herein, its costs in this cause, taxed at seventy-nine and 25/100 ($79.25) Dollars,

R. N. Leatherwood,
Appellant,

No. 1005. vs.

A. A. Richardson and David Allen,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby reversed, and the cause is remanded for further proceedings.

It is further ordered, that the Appellees [illegible] and the Appellees herein [illegible]

Mch 22- '07

and from R. N. Leatherwood, Appellant herein, and The Title Guaranty and Trust Company, of Scranton, Pa., surety on Appeal Bond, their costs on this court, taxed at

No. 229 ✓

Nellie Buffchu,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby reversed and the case remanded to the district court for a new trial.

No. 238 ✓

James R. Dias,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

No. 961.

Presley L. Motes,
Plaintiff in Error,
vs.
The Gila Valley, Globe & Northern Railway Company, a corporation,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the trial court be and the same is hereby reversed, and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the Plaintiff in Error herein do have and recover of and from The Gila Valley, Globe and Northern Railway Company, a corporation, Defendant in Error herein, his costs in this cause, taxed at one hundred forty-four and 60/100 ($144.60) dollars,

No. 964.

Union Iron Works, a corporation, The Haas and Jacob Baruch, co-partners as Haas, Baruch & Company; M. H. Stewart & Company, a corporation; Baker Iron Works, a corporation; G. E. Giles, John H. White, Ernest G. Taylor and Gregory Perkins, Jr.,
Appellants,

vs.

Uehling Mining & Milling Company, a corporation; The Tempe-Inca Artificial Company, a corporation; Casa Grande Grading Company, a corporation; The Pasadena National Bank, a corporation; Farmers' & Merchants Bank of Tempe, a corporation; L. Beckendorf & Company, a corporation; W. O. Schultz, N. Price, Ted Price, Elroy Price, J. H. Coy Lile, G. G. Grundy, George Uehling, Stanley Lane, George Sikes, E. H. Heard, Chas. Hefling, Alexander H. Graham, Daniel Reese and W. C. Daggs,
Appellees.

This cause having been heretofore submitted to the Court for decision upon the Motion of the Appellees to dismiss the appeal herein, and the Court having

Mch 22-'07 that the judgment of the District Court dismissing the action be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellants herein and the United States Fidelity and Guaranty Company, surety on Appeal Bond herein, their costs in this Court, taxed at twenty-eight and 10/100 ($28.10) Dollars, and their costs in the District Court in this cause incurred.

John McGowan,

Appellant,

No. 980. vs.

J.N. Gaines, as the Tax Collector of the County of Cochise, Territory of Arizona, and The Aetna Indemnity Company, a corporation, as Surety on the Official Bond of said Tax Collector,

Appellees

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from John McGowan, Appellant herein, and M.J. Dunmire and H.C. Bennett, sureties on Appeal Bond herein, their costs in this court, taxed at twenty-six ($26.00) dollars, and their costs in the Court below in this cause incurred.

No. 993.

R. H. Daniel and H. E. Smith,
Appellants,
-vs-
James Gallagher, Henry Smith,
Peter Lynch, Harry Pearson,
Mary Gallagher and John Doe,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;
It is ordered that the judgment of the lower court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from R. H. Daniel and H. E. Smith, Appellants herein, and Alfred Kinney and Lyman C. Woods, sureties on Appeal Bond, their costs in this court, taxed at Twenty ($20.00) dollars, and their costs in the court below, in this cause incurred.

No. 995

John J. Howard and George Pawn,
Plaintiffs in Error,
-vs-
The Norton-Morgan Commercial
Company, a corporation,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein do have and recover of and from John J. Howard and George Pawn [illegible] herein, and James Gallagher, [illegible] Cost Bond herein, [illegible] ($32.15) Dollars [illegible]

Mch. 22-07

~~In the Matter of the estate of~~
~~Francisca Morales, deceased.~~

M. Pena del Pino,
Appellant,

No. 1000

vs.

Librada de Romero,
Appellee.

Error -
Judgment entered
January 15- 1907 -
Opinion filed this date -

The Equitable Life Assurance Society
of the United States, a corporation,
Appellant,

No. 986

vs.

David Babbitt, Charles J. Babbitt,
George Babbitt, William Babbitt,
co-partners, doing business under
the firm name and style of
Babbitt Brothers,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby reversed, and the cause remanded with instructions to the lower court to sustain the demurrer to the complaint, and for such further proceedings as may be necessary, not inconsistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from the Appellees herein, its costs in this cause, taxed at eighty six and 35/100 ($ 86.35) dollars, together with its costs in the court below in this cause incurred.

Henry O. Ewing, Howard H. Watkins and John S. Kolar,
Appellants,
No. 892 ✓ vs.
United States of America,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Henry O. Ewing, Howard H. Watkins and John S. Kolar, Appellants herein, and Henry Lovin and J. H. Thompson, sureties on Appeal Bond herein, the sum of one thousand three hundred twenty-five and 53/100 ($1325.53) dollars, together with legal interest thereon from the fifth day of July, A.D. 1904, until paid, and its costs in this court, taxed at thirty-six and 70/100 ($36.70) dollars, and his costs in the court below in this cause incurred, taxed at eighty four and 80/100 ($84.80) dollars.

Accrued costs
in this Court
$3.00

R. M. Bruchman,
Appellant,
No. 239 ✓ vs.
United States of America,
Respondent.

This cause having been heretofore submitted
and by the Court taken under advisement, and
the Court having considered the same, and being
fully advised in the premises:

Mch. 22-'07 court be, and the same is, hereby affirmed, and the original judgment carried into execution.

No. 902.

United States of America,
Appellant,
vs.
Quong Chee,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is, hereby affirmed.

No. 237.

Territory of Arizona,
Appellant,
vs.
James Logan Alexander,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is,

No. 963. ✓

C. Ramirez,
Plaintiff in Error,
vs.
Frank M. Main,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, and being of the opinion that the complaint stated a cause of action and that the demurrer should have been overruled: It is therefore ordered that the judgment of the District Court be and the same is hereby reversed and the cause remanded to the District Court for further proceedings in harmony with the opinion rendered herein.

✓ It is further ordered, adjudged and decreed, that the Plaintiff in Error herein do have and recover of and from Frank M. Main, Defendant in Error herein, his costs in this court, taxed at fifty-four and 25/100 ($54.25) dollars.

Charles L. Kinsley,
Appellant,
No. 968. ✓ vs.
New Vulture Mining Company,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement; and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the lower court be, and the same is hereby affirmed. Said Appellee filed in the Court below a cost bill which is approved, and ordered to be paid by the Appellant.

Mch. 22-'07

It is further ordered, adjudged and decreed that the Appellant herein, Charles L. Kinsley, do have and recover of and from The New Vulture Mining Company, Appellee herein, his costs in this cause, taxed at—

No. 974

Allen A. English and
Honora English, his wife,
Appellants,
vs.
The Territory of Arizona, at the Relation and to the use of John H. Vogan, Treasurer and Ex-Officio Tax Collector,
Appellee

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Allen A. English and Honora English, Appellants herein, and Martin Costello and James Reilly, sureties on Appeal and Supersedeas Bonds, the sum of twelve thousand five hundred thirty-three and 75/100 ($12,533.75) dollars with interest thereon from the 21st day of December, 1904 until paid at the rate of 12 per cent. per annum; the sum of fifteen cents ($.15) for Clerk's fee, an attorney fee of twenty-five per cent, (25%), and four per cent. (4%) of the total of the above amounts fee and for the fee of the Tax Collector, together with its costs in this cause, taxed at $ dollars, and its costs in the Court below in this cause incurred.

No. 988.

Boquillas Land & Cattle Company, a corporation,

Plaintiff in Error,

vs.

The St. David Co-operative Commercial & Development Association, a corporation, The St. David Canal Company, a corporation, John Merrill, J. N. Curtis, Samuel Curtis, John Doe and Richard Roe, whose names are unknown,

Defendants in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the Court below be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Defendants in Error herein, do have and recover of and from the Boquillas Land & Cattle Company, a corporation, Plaintiff in Error, and W. C. Land and W. H. Etz, sureties on appeal bond herein, their costs in this court, taxed at twenty-four and 50/100 ($24.50) dollars, together with their costs in the court below in this cause incurred and accrued costs in this court taxed at seven and 15/100 ($7.15) Dollars.

P. L. Sherman and D. H. Pinney,

Appellants,

No. 991.

vs.

Libbie Godwin,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court of [illegible]

Mch. 22-'07 District Court for further proceedings not inconsistent with the Opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from Libbie Goodwin, Appellee herein, their costs in this court, taxed at One Hundred twenty nine and 15/100 ($129.15) Dollars

No. 233. William Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby reversed and the case remanded to that court for a new trial.

No. 234. William Henry Pryor,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

John Conchin,
Appellant,
No. 235 ✓ vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

William Thomas,
Appellant,
No. 240. ✓ vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

R. R. Richardson,
Appellant,
No. 906. ✓ vs.
Frank Peters,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

Filed 22nd '07

It is therefore ordered, adjudged and decreed that the Petitioner herein, do hereby recover of and from A.A. Richardson, Defendant herein, and W. Klemgard, Jr., and Homer Davies, Curators ad Interim Ad hoc herein, his costs in this cause, taxed at Thirty ($30.00) Dollars, and his costs in the Court below in this cause incurred, taxed at Thirty-six ($36.00) Dollars, and that he have execution therefor.

No. 960. In the Matter of the Providence Oil & Gas Company, a Bankrupt, Benjamin Blanchard and Howell Mining Company Petitioners for Review

The Motion to Dismiss Petition for Review for want of jurisdiction, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that said motion be granted and the Petition for Review be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Creditors herein, do have and recover of and from Benjamin Blanchard and Howell Mining Company, Petitioners herein, their costs in this court, taxed at fourteen and 20/100 ($14.20) dollars.

In the Matter of the
Pinecrest Coffee Company,
Bankrupt.
Benjamin Blanchard and
Howell Mining Company,
Appellants

No. 960 A.

vs.

G. H. Angear, and other creditors
named in Citation on appeal herein,
Appellees.

The Motion to Dismiss Appeal for want of jurisdiction, filed herein by Appellees, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises;

It is ordered that said motion be granted and the appeal be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Ben. Blanchard and Howell Mining Company, a corporation, Appellants herein, and Joe Mayer and Gus Mac, sureties on Appeal Bond, their costs in this court taxed at, Fourteen and 50/100 <$14.50> dollars

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In the Matter of the
Pinecrest Coffee Company,
a corporation,
Bankrupt.

No. 965

Benjamin Blanchard,
Appellant,

vs.

Mch. 22-07 that the judgment of the District Court be and the same is, hereby reversed, and the case remanded with directions to that court to sustain the demurrer to the complaint, and for such further proceedings as may be necessary not inconsistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from Frederick Schmidt, Appellee herein, the costs in this cause, taxed at eighty-five and 55/100 ($85.55) Dollars, together with its costs in the District Court in this cause incurred.

No. 969.

Clara A. Kinney,
Appellant,
-vs-
J. C. Lundy,
Appellee.

This cause having been heretofore submitted and by the court taken under advisement, and the court having considered the cause and being fully advised in the premises: It is ordered that the judgment of the district court be, and the same is, hereby reversed, and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from J. C. Lundy, Appellee herein, her costs in this Court, taxed at two hundred seventy-five and 45/100 ($275.45) dollars.

No. 978.

Montezuma Canal Company,
a corporation,
Appellant,
vs.
Smithville Canal Company, et al.,
Appellees.

This cause having been heretofore submitted, and by the court taken under advisement, and the court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, Smithville Canal Company, Lorenzo Cutler, Brigham H. Cluff, David C. Adams, Dorathy E. Smith, Ira Aken, Charles M. Dyer, Marie Morales, Edward C. Phillips, Thomas Kimball, Cynthia Layton, A.E. Crawford, William Price, Lorenzo Hatch, Nathan C. Harden, John Calder, Jamie Bill, H.T. Webb, Henry Lines, Andrew Carlson, J.A. McBride, H.E. McBride, D.C. Judd, J.H. Allred, George Larson, Martin Martinson, J.G. Bigler, B.F. Whitman, E.M. Allred, Louis Mattice, Louis Horton, G.H. Moody, Squire Reynolds, H.H. Crockett, Myron Hancock, C.M. Beals, and James Mallon, co-partners under the firm name of Beals & Mallon; H.H. Dawson, S.E. Allen, William Gratton, Thomas Preston, C.D. Haycock, Hyrum Reech, Hannah Boyd, John Salters, O.C. Merrill, Robert Ferrin, S.O. Williams, Joseph Pennyd, George H. Williams, John Taylor, L.H. Luccock, Sarah Fuller, H.F. Follett, J.F. Shields, J.H. Beal, O.J. Simons, Central Canal Company, H. Louis, John E., Hiram L., William R., and Gabriel B. Horton, co-partners under the firm name of H. Louis Horton and Brothers; Julia M. Daley, George Smith, Jacob O. Bares, Vincent Bigler, Clarence McBigler, Gabriel Bigler, C.E. Hansen, H.L. Horton, Elizabeth Layton, [illegible]
J.G. Allred, Manuel Cartier, [illegible]
Secretary, [illegible]
[illegible]

Mch-22-07. Ann Pace, Erastus S. Carpenter, Jacob J. McGuire, M.M. Smith, Margaret Carpenter, James M. Moody, Sarah F. Heywood, Joseph M. Heywood, Spence C. Heywood, Ella Heywood, Leland Heywood, David E. Heywood, Sarah V. Heywood, Robert F. Heywood, Irving Y. Heywood, heirs at law of F.H. Heywood, deceased; Edison Moody, Susan Ann Claridge, Rose Dodge, Hezekiah Stowe, Joseph Cluff, Joseph E. Cluff, William Carpenter, John H. West, Eliza Welker, Frank N. Tyler, Hyrum Brinkerhoff, William H. Cluff, James N. Duke, Christian Madsen, D.W. Cluff, Robert E. Lee, A.S. Porter, W.H. Coombs, Edith Kunz, Manuel Barnett, H.E. Clark, Clarence Woodcock, William Ballard, S.E. Reynolds, Owen Gallett, William Gallett, J.R. Hamblin, Edward Drew, Elizabeth Craig, H.D. Sabin, J.H. Hendricks, Huldah Matheson, William Reynolds, W.A. Smith, Isaac Gallett, D.H. Cludd, Sr., Jane Cluff, J.A. McBride, Jr., D.C. McBride, Ann Halliday, H.F. Butler, Mary Magnum, D.M. Rogers, Alfred Rohner, H.E. Jones, L.C. Judd, Lucy Kelly, Samuel Lines, J.H. Lines, Janette Ferrin, Sarah Taylor, Joseph East, William Handley, Frederick Webb, J.H. Foster, Lucinda Gustafson, Lyman Dodge, Milton Lines, H.C. Taylor, H.H. Crockett, S.S. Marshall, N.J. Rosberry, John Mattice, Frank Kirby, Cynthia Rogers, J.S. Beals, H.J. Anderson, F.A. Taylor, William Madsen, Andrew Carlson, Jr., Joseph Alder, C.M. Beals, J.D. Boyd, H.B. Ballard, George Ballard, John Cluff, Elizabeth Fuller, Terence O'Bryan, Samuel Williams, Smithville Irrigation and Manufacturing Company, M.H. Ray, Frank Creston, J.D. Haycock, C.M. Bidlake, H.L. Horton, J.E. Horton, Isaac Gallett, S.E. Collins, Lucinda Merrill, W.A. Smith, Hattie Halliday, Mrs. E. Hawes, Susan Salmon, Rebecca Cluff, A.J. Dodge, Charles Keeler, C.A. Norton, Thomas Dodge, Warren Gallett, William Ranson, Thomas East, Gerald Merrill, William Whipple, Chiachua Cattle Company, a corporation, Mary Spear,

August Whitaker, Moses A. Cluff, William Price, C.B. Williams, Oregon Irrigation and Canal Company, J.T. Hampton, H.V.B. Talley, Benjamin Eccles, ---- Howard and ---- Nelson, J.E. Blair, G.S. Kimball and Orval Larson, Burt Hooper, A.A. Allred, A.F. Hunt, Fred Hubbard, E.F. Hubbard, Mrs. A. Hubbard, Mrs. L.P. Merrill, J.T. Palmer, H.B. Bryce, R.A. Bryce, D.S. Marshall, A.H. Chelsey, J.A. Golding, G.H. Lemon, H. Hamsley, Ed. Chesley, N. Hodgson, Layman Hancock, S.F. Murphy, G.O. Peck, J.P. Walker, J.H. Mustard, G.H. Killian, G.A. Bryce, G.B. Nelson, Frank A. Cluff, H. Stockton, M. Carpenter, D.H. Claridge, J.H. Carter, John Feldman, A.H. Bryce, Simm Matthews, Layton Town Canal Company, Austin Evans, Jas. F. Owens, Oscar Layton, Caroline Olsen, Arthur Welker, John Welker, Raymond Welker, Adam Welker, Moses Steele, Wm Ellsworth, Wm R. Smith, Chas. A. Warren, J.B. Quinn, Wm Welker, Edam Olsen, Nancy Rollins, Anna Robinson, John Madsen, Jesse Quinn, Jerry Hatch, Geo. W. Quinn, Geo. Forte, Hyrum H. Tippets, J.P. Welker, J.J. Quinn, Joseph Greenhalgh, Robt. Peel, W.B. Ponda, Frank Dyreart, Janette Smithson, Thomas Bell, John West, Adam Welker, Jr., Thomas Richards, Wm Sandoval, Geo. Giles, Robt. McAllister, John Clifford, M.C. Snow, W.A. Meyers, John W. Morris, Geo. Quinn, Wm Morris, E.T. Tyanna, Harriet Crandall, W.A. Reed, James Carter, A.J. Perkins, Joseph Bingham, Richard Bingham, J.L. Woods, John Lee, Lehi Smithson, Bettie Horladay, Aaron Cheney, Joseph Paulsen, J.B. Whitton, Manza Bingham, Allen Cupp, L.B. Stephens, August Jorgensen, W. Reed, J.N. Keeley, Wm Carey, J.W.N. Scarlett, L.B. Scarlett, Melvin Monteith, Charles Greene, A.H. Tacker, Richard Layton, David Lee, Richard Bingham, W.H. Clifford, C.R. Freeman, J.L. Freeman, Ernest Ellsworth, Jesse J. Quinn, Geo. H. Killian, Wm H. Carey, Aaron E. Cheney, John L. Morris, Leroy B. Stevens, Reuben Fuller, Lehi Lee, A.E. Stevens, Lee Stevens, James Starkey, R.A. Davies, Leonard Greenhalgh, Thomas Greenhalgh, Wm C. Hutchings, Reuben Stevens, Wm L. Rees,

Mch 22- '07 Morman Church Lot, M M. Crandall, Geo. Olney, Geo. Jackson, Wm H. Roach, Christopher Nich, Ira Hamilton; Mrs. C.L. Nich, estate of C.L. Nich, Terrance O'Bryan, Manny Grider, Mrs. Emma McGowan, Geo. N. Todd, Austin Evans, Robt. Morris, G.L. Price, F.N. Hayes, Wm Rollins, P.J. Jacobson, Hyrum Bingham, Alice H. Beebe, H.J. Doodle, Ray Kemp, Paul Beebe, A.J. Perkins, Wm P. Beebe, H.P. Beebe, Heber Layton, Mrs. Ira Elmer, John Hoopes, C.A. Callison, Thomas S. Merrill, S.P. Crum, Henry Caceres, Martin Echols, H. Layton, Wm Johns, J.F. Pace, Richard Layton, John Bibby, D.J. Ellsworth, Hal Merrill, Simeon Doolinger, Martin Mathesen, Seth Merrill, J Craig, Sam Echols, Frank Fuller, Cyrus Robinson, N.N. Field, J.P. Robinson, Frank Robinson, Abraham Bowman, Andrew Kimball, Wm Moody, Mrs. Sessions, Mrs John Hoopes, Andrew J. Kimball, S. Stinson, Alvin Monteith, Josie Cluff, Robert Tyler, Reuben Bingham, Wm Posey, Joseph Allred, Alfred A. Barney, Sunflower Canal Company, Chivachua Cattle Company, Vicente Suarez, Manuel and Francisca Grijalva, J.W.N. Scarlett, Abraham Diaz, Mrs Mathilde Grijalva, Bernardo Tellez, Cristina Grijalva, J.D. Hartzler, Blas Ortiz, and Francisca Chavarria, J.E. Solomon, Wm A. Gillespie, Wm Gillispi, Geo. A. Olney, Mrs E.H. Pomeroy, E.L. Tidwell, William Morris Robert Nash, Joseph Corder, Joseph Dial, W.J. Richards, M.F. Swanger, Augustine Jorquez, Joaquin Padilla, Ramon Guacha, Antonio Ruiz, Jr., Ernesto Reos, Thomas Blake, Mathew O'Bryan, Antonio Ruiz, Jessie Quinn, Geo. H. Morris, Pedro Marquis, John Green, Francisco Miranda, Lucio Cordero, Geo D. Brian, Mrs. Emma McGowan, H.S. Palmer, Walter F. Gorney, Benjamin Peel, Frank Freestone, Geo. L. Freestone, Benjamin Echols, Henry Dial, Walter Grundale, G.H. Caceres, Harry Clifford, Geo. Gamble, O.C. May, Victoria Garcia, Jos. F. Orsens, Oscar Olsen, Emelius Olsen, Arthur Welker, John Welker, Raymond Welker,

Adam Welker, Wm R. Smith, Chas. A. Warner, J.B. Quinn, Wm Welker, Edam Olsen, Geo. W. Quinn, Hyrum H. Fifield, J.J. Quinn, Joseph Greenhalgh, Janette Smithson, Thomas Bell, T. John Heed, Adam Welker, Thomas Richards, Wm. Saulsbury, John Clifford, W.A. Meyers, John W. Morris, Wm Morris, School Lot, N.E. Gurney, Joe Greenhalgh, R.A. Smith, Leonard Freestone, Jas. Freestone, Wm C. Hooper, Benjamin Mauner, Wm J. Packer, Mormon Church Lot, M.M. Crandall, Wm H. Roach, Christopher Heeh, Ira Kempton, Manny Grider, Geo. W. Todd, J.C. Price, O.J. Jacobson, Alice Beebe, Joseph Bingham, Paul Beebe, Wm C. Beebe, N.C. Beebe, W.R. Reed, James Corder, Richard Bingham, J.L. Woods, Bettie Holladay, Joseph Paulson, J.B. Whitton, Allen Caffey, L.B. Stephens, R.L.B. Scarlett, Richard Layton, David Lee, W.H. Clifford, C.A. Freeman, J.L. Freeman, Ernest Ellsworth, John G. Morris, Lucy B. Gunther, Heber Layton, Mrs. Ira Elmer, John Hooper, C.A. Callister, Thomas E. Merrill, H. Layton, Wm Johns, J.B. Pace, John Silby, D.J. Ellsworth, Hal Merrill, Simeon Doelinger, Marten Martensen, Seth Merrill, J. Craig, Sam Eckels, J.C. Robinson, Frank Robinson, Andrew Kimball, William Moody, Mrs. Seerins, Mrs. John Hooper, Andrew J. Kimball, Alvin Monticth,

San Jose Irrigating Company, San Jose Extension Canal Company, B.B. Adams, Jesus Reyes, Anna M. Bennett, W.A. Bennett, Annie Austin, W.F. Barney, A.F. Barney, H.W. Bishop, Alice A. Bishop, F.W. Bishop, Innocent Bartoldi, Jose Bartoldi, A. Curtis, Samuel Curtis, C. and E. Carraco, Fernando Cervantes, Jesus Carasco, Jesus and Petra Carasco, W.F. Clark, B.R. Clark, John Cline, Fred Dysart, Lina M. Dudley, J.C. Epley, Jorge Evans, John Evans, E.O. Edwards, John H. Evans, Angel Franco, Joaquin Figueroa, Amalie Freudenthal, Mrs. Julia M.G. Fitzgerald, C. Garcia, Graham County, Gillespie and Freudenthal, Vicent Greco, Jesus Garcia, Jesus Garaway, Jesus Green and estate of H. Gigli, Lorenzo Lopez, C.H. Crawford, G.G. Herring, Mrs. C.C. Anderson, et al,

Mch. 22-'07 William Johns, A. A. Johnson, Mary Lacy, Daniel Layman, H. M. Merrill, Morris Martinelli, Joe Martin, Montezuma Flour Milling Company, H. S. Mashburn, M. E. Church, South, Alice Merrill, A. Mejia, Avaline Mejia, J. S. Massey, Mrs. O. C. May, Elizabeth M. May, Oliver C. May, A. G. McAlister, C. E. Moorman, H. L. Nelson, G. O'Bryan, J. J. Odens, William H. Parker, H. H. Parker, Mrs. Lillian E. Parker, D. B. Ryan, and Minnie M. Ryan, Jennie V. Rawlins, Frank Richardson, C. L. Rawlins, Lena Richardson, R. B. Smith, Solomonville Townsite, John See, John A. See, Mrs. Leo. Stevens, Charles F. Solomon, ~~Whitt Simms~~, School District No. 5. Graham County, M. A. Sothlers, Louis Sais, E. M. Simpson, Mrs. Anna Solomon, Felipe Sofia, H. C. Ussher, A. L. Ussher, W. A. Wilson, W. R. Waldrop, Union Canal and Irrigation Company, F. G. Webster, George E. Webster, Frank Webster, Oscar Webster, Reese Webster, William Johns, Eugene Monticth, Peter Andarson, O. Estrado, F. E. Bradley, A. J. Jacobson, Fred Thorstenson, H. E. Dunlap, W. R. Waddill, Thos. S. Merrill, Jr., Benjamin Perkins, M. M. Smith, Elizabeth Pace, A. O. Lamreaux, W. M. Price, A. G. Layton, Isaac Cooke, Jesse Wooster, Joseph E. Corder, J. N. Porter, M. C. Taylor, School District No. 1, Maxwell A. Snow, Wm D. Johnson, Wiley E. and Rhoda Jones, Nellie A. Sullivan, John Hill, Joseph G. Allred, D. A. Despain, G. W. Moody, Oscar G. Layton, Al Barney, J. A. Pace, Nancy Pace, H. C. Pace, Jesse C. Phillips, Susan Aldridge, C. M. Layton, John Shipley, Frank Tyler, Orlando Jolley, C. S. Curtis, Will Carpenter, Erastus Carpenter, C. N. Nichols, Cynthia Layton, D. C. Cole, F. O. Robinson, Mary A. Hooper, Elizabeth Layton, Frank Layton, Frank Haight Hyman, Charles F. Jones, W. H. Thomas, Dan Hardy, James Haggard, J. M. Moody, Homer Carpenter, W. E. Platt, George Hooper, Josephine Nicholson, William Griff, Will Alston, Dan Eldridge,

Hester M. Dawson, Charles and Parley McRea, Lillian Everidge, A.C. Peterson, Elizabeth Moody, J.E. Hurst, William Graves, John Hoopes, Jr., Robert Hill, Alexander Hurst, John Shaw, Leslie Layton, August McRea, S.M. Meininger, H.M. Fugett, Elizabeth Robinson, H. Brinkerhoff, Barbara Layton, L.D.S. Academy, Andrew Hoopes, D.B. Barney, Hill Dawson, Robert H. Beard, Lorenzo Cutler, Hyrum Clawson, H.N. Clawson, J.D. Lore, John Daly, Wm. M. Dawson, Wilson Lambert, H.L. Johnson, Thomas Naylor, Ed. C. Phillips, David Phillips, Andrew Foley, J.A. Lee, J.N. Heywood, H.L. Gardner, M.M. Smith, Roanna Smith, Elen Rawlins, Susannah Alerton, Andrew Kimball, Emma Porter, Joseph Knudson, Taylor Brown, Sarah J. Lewis, Samuel Curtis, C.N. Clawson, Samuel Claridge, School District No. ---, William Moody, Theodore Moody, A.E. Crawford, Thos. Moody, Walter Rhoads, J.S. Russell, L.G. Moody, Henry W. Layton, Alva S. Porter, Central Ward Church, L.D.S., O.D. Mortes, D. Ellsworth, School District No. --, B.F. Whitman, Tithing Office, L.D.S. at Central, Joseph E. Cluff, R.E. Lee, J.C. Curley, Lillie Morris, Ella M. Birdno, H.L. Castle, Martin M. Jacobson, Fred B. Jacobson, Mary E. Madsen, F.E. Rose, Jacob McGuire, Mathe Mortensen, James Ellsworth, Geo. D. Brim, Lovina McFarland, Lucy M. Castle, A.E. Jacobson, The Compton Canal Company, H.M. Blair, H.H. Colvin, J.D. Colvin, Frank Curtis, F.J. Fuller, John Harper, Orden Hancock, J.A. Hancock, Elijah Hancock, Erastus Hancock, Levi Hancock, Samuel H. Higginson, Heber Higginson, John Holladay, C.R. Jennings, H.B. Hampton, A.J. Hampton, R.A. Hampton, Ann B. Hampton, David Markham, A.F. McEwan, C.E. Norton, H.F. Oliver, E. Palmer, E. Palmer, F.J. Palmer, John H. Priest, J.S. Parker, Joseph Thatcher, Lorenzo Thatcher, Fred Healy, Henry Wilkins,

Bear Irrigation Canal Company, Ellis C. Merrill, J.C. Walker, Chester Nelson, John A. Chapman, Nelson, Wm. McEachern, H.C. Jones, Mrs. [illegible]

Feb. 22-07. R.A. Bryce, E.A. Bryce, J.H. Bryce, C.E. Norton, Curtis Irrigating Milling and Manufacturing Company, Wm Blair, W.A. Carter Jr., M.M. Curtis, Mary C. Clark, L.M. Colvin, Moses Curtis, Malvina Curtis, Elizabeth Fuller, Thomas A. Fuller, Francis J. Fuller, Levi Hancock, John H. Halliday, Riley Halliday, John Harper, Joel Huff, H.H. Hawkins, A.B. Hampton, Bishop, Richard A. Hampton, David Markham, Ed. McEwen, A. Mecham, Emanuel Palmer, Loretta Plumb, D.M. Rogers, John Plumb, Relief Society, H. Stockton, School District No. 11, John Sabine, E.H. Thompson, John Tyler, Elroy Wilkins,

The Nevada Irrigating and Canal Company, C.B. Bowen, E.L. Carter, J.A. Follett, Joseph Foster, Joseph Greenhalgh, Lehi Larson, Oliva Larson, Eliza Mathews, D.H. Mathews, Peter H. McBride, Louisa Rogers, Charlotte Wilkins, W.A. Carter, Joseph E. Follett, Rhoda Foster, George A. Gourley, L. Hanaker, James M. Larson, James P. Lindsey, Charles A. Matthews, A. Mecham, Peter A. Norton, John S. Waddell, Frank Wooten,

Military Canal Company, F.K. Warden, Juan Garcia, Oliver Elmer, Anton Christensen, Charles Driver, Chris C. Christensen, George H. Wyatt, Charles N. Rose, H.M. Reay, Abe Hanson, J.H. Ballard, George F. Hunter, John Stone, ---- and Mrs. S.J. Black,

Fort Thomas Canal Company, George Reynolds, W.A. Bowler, John Hice, W.S. Davis, Joseph York, D.R. Shurtz, Eric Hubbard, G.H. Healy, George F. Hunter, G.H. Wyatt,

Dodge Canal Company, Jennie Bell, M.C. Warden, James Mack, Edd. Carter, James Larsen, C.D. Bowen, Howard McBride, H.J. Anderson, Francis Kirby, Joseph Foster, Peter McBride, W.A. Carter, Peter Norton, Joseph Greenhalgh, Charles Matthews, Elizabeth Mathews,

Graham Canal Company, C.C. Peterson, George Skinner, D.U.A. Talley, Mrs J.S. Wilson, R.A. Smith Jr., J.M. Talley, J.F. Talley, W.J. Mullenaux, George Stewart,

Eva Messinger, Joseph Blair, John Hancock, Nancy Mattice, J.C. Hamlee, John C. Golding, Marcus Steiner, J.C. Colson, Mrs. C.H. Spafford, D.F. Kauffman, Pratt Stewart, William Bland, G.E. Harris, J.A. Allen, Joseph Heard, John Doe Mcleod, U.V. Clark, Wm M. Morris, A. Mullenaux, K.B.V. Talley, Mrs. Alex Stewart, G.S. Kimball, Mrs. Thornton, Lambert, Frank Butler,

Sanchez Canal, Ricardo Sanchez, Leonidas Sanchez, Daniel Sanchez, Deonas de Leon, Eusebio Saca, John H. Van Order, Jesus Saca, Lorenzo Sanchez, Abel Sanchez, Santos Serna, Eliseo Sanchez, Jesus Montes, Abelian Mejia, Abram Madrid, Jo. Serna,

Mejia Canal, H. Bingham, Robt Bertoldo, Rejinio Charnia, John Graves,

Fourness Canal, Francisco Montes, Jesus Morales, Emilio Viella, Sixto Molina, Clara Fourness, Andres Serna, George L. Morris, Victoriano Carrasco, Jesus Serna, Jesus Flores,

R.A. Smith, Jr., Jacob Aubeifer, D.O. Williams, H.R. Haddill, Myrtle O. Goodspeed, George D. Grier George J. McIntyre, David Angle, E.L. Tidwell, Dimeon DeLeon, Dimidio Sanchez, Policarpio Serna, Adiel Sanchez, Juana Sanchez, Amadeo Jajardo, Jesus Vaca, Gabino Vaca, Juana Van Order, Abram Madrid, Bernardo Serna, Samuel Van Order, Ejicio Ortega, Luis Vaca, Harry Van Order, John Van Order, Adelicia Van Order, Carolina Serna, Martin Marquez, J.P. Ford, Senorio Gonzales, Cerbero Bertoldo, Rejinio Charnia, H. Bingham, Francisco Mentz, Jesus Morales, Emilio Viala, Sixto Molina, Andres Serna, Sixto Garcia, Pompey Jamie, John Reid, Charles Reynolds, Robert Pringle, Freeman M. Hubbard; Louis Eckendorf and Albert Steinfeld, co-partners under the firm name of L. Eckendorf and Company,

To have and recover of and from the Matagorda Canal Company, a corporation, Appellant herein, and M.F. Swanger and J.E. Saltmarsh, receivers of the said Canal Company, their certain [illegible]

thirty-four and 60/100 ($34.60)

Mch. 22-'07 costs in the court below in this cause incurred.

No. 994. J. N. Porter, Appellant, vs. J. N. Brown, Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed

It is further ordered, adjudged and decreed, that the appellee herein, do have and recover of and from J. N. Porter, appellant herein, and S. F. Sulenberger and Alfred Kinney, sureties on appeal and Supersedeas Bond, the sum of Twenty-six hundred eighty-eight and 71/100 ($2688.71) dollars with legal interest thereon from the 10th day of August 1905 until paid, together with his costs in this court taxed at Forty-two and 85/100 ($42.85) dollars, and his costs in the court below in this cause incurred.

Huachuca Water Company, a corporation, Appellant, vs. The City of Tombstone, of the Territory of Arizona, a corporation, Appellee.

No. 1004.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Hachuca Water Company, a corporation, Appellant herein, and the American Surety Company, a corporation, of New York, surety on Appeal Bond, its costs in this Court, taxed at twenty-seven and 40/100 ($27.40) dollars and its costs in the court below in this cause incurred.

No. 999. M. J. Callahan, Appellant, vs. John A. Barkley, et al., Appellees.

It is ordered that the Motion to re-instate appeal filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 966. Liberty Mining & Smelting Company, a corporation, Appellant, vs. Robert Geddes, Appellee.

It is ordered that the Motion that this cause be re-opened and re-submitted for the purpose of having the Court Reporter's notes certified to by the Trial Judge, filed herein by Appellant, and heretofore submitted, be and the same is, hereby denied.

No. 987. John Steffa, Appellant, vs. M. J. Nugent, Appellee.

On consideration of the Motion [illegible]

Mch 22-07 For Appellant herein, It is ordered that the Motion for an order transcribing the record in this cause to the District Court of the First Judicial District of the Territory of Arizona, in and for Yuma County, filed herein by Appellee, be and the same is, hereby withdrawn.

No. 987. John Stojfela, Appellant, vs. M. J Nugent, Appellee.

On motion of Mr. Thos. Armstrong Jr., attorney for Appellant herein, It is ordered that the appeal herein be, and the same is, hereby dismissed without prejudice.

No 982. Otto H. H. Schley, Appellant, vs. Ed. L. Vail, et al., Appellees.

In this cause, it is ordered that the motion to re-instate appeal, filed herein by Appellant, and heretofore submitted, be granted, and that said appeal be re-instated, and Appellant be allowed to file his abstract of record and briefs herein.

No. 979. James H. Hork, Appellant, vs. The United Globe Mines, a corporation, Appellee.

In this cause, it is ordered that the

Motion to re-instate appeal, filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 995 ✓

John J. Howard, et al.,
Plaintiffs in Error,
vs.
Morton-Morgan Commercial Company,
a corporation,
Defendant in Error.

It is ordered that the Motion to dismiss appeal and Writ of Error, for want of jurisdiction, filed herein by Defendant in Error and heretofore submitted, be and the same is hereby denied.

✓ It is further ordered that the Motion to Strike Brief and Argument of Defendant in Error from the files, filed herein by Plaintiffs in Error, and heretofore submitted, be and the same is, hereby denied.

No. 866 ✓

Beauchamp H. Smith,
Plaintiff in Error,
vs.
The King of Arizona Mining and
Milling Company, et al.,
Defendants in Error.

In this cause, it is ordered that the motion for an order substituting C. Elmer Smith and S. Fahs Smith, executors of Beauchamp H. Smith, deceased, as Appellant in this cause, filed herein by attorney for Plaintiff in Error, and heretofore submitted, cannot be considered on account of absence of proof of service.

Feb. 22'07

No. 866.

Beauchamp H. Smith,
Plaintiff in Error,
vs.
The King & Arizona Mining and Milling Company, et al.,
Defendants in Error.

In this cause, it is ordered that the Motion for an order requiring the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Pima, to transmit forthwith to the Clerk of this Court the record heretofore before this Court; filed herein by Plaintiff in Error, cannot be considered on account of absence of proof of service.

To the Honorable Judges of the
Supreme Court of the Territory of Arizona.
Gentlemen:

Your committee, appointed to examine applicants for admission to the bar of this Court at this session of said Court, respectfully report:

That there appeared before your committee for examination Mr. John R. Hampton, Mr. Samuel F. Noon, Mr. Lew H. Collins, and Mr. Joseph Heller; that the committee examined said applicants as to their qualifications to practice before your Honorable Court, and from such examination, find:

That Mr. John R. Hampton, Mr. Samuel F. Noon, and Mr. Lew H. Collins are each well versed in legal principles and their application; in the rules of pleading and practice; and in the rules of evidence and construction, and the ethics of the profession; and are well qualified to practice before this Honorable Court, and we recommend their admission to the Bar of this Court.

We further recommend that Mr. Joseph Heller continue his studies and that his application to practice before this Court be

deferred until some future time.

Respectfully,
Walter Bennett,
Paul Burks
E. E. Ellinwood.

Dated this 22nd day
of March, 1907.

The Committee appointed to examine applicants for admission to the Bar of this Court reporting favorably upon Mr. John R. Hampton, Mr. Samuel F. Noon, and Mr. Lew H. Collins: It is ordered that they be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court Mr. Hampton, Mr. Noon and Mr. Collins, took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. C. F. Ainsworth, It is ordered that Mr Gibson Taylor, who holds a certificate from Kentucky Court of Appeals, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open Court Mr. Taylor took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. A. C. Baker, It is ordered that Mr. Carl G. Hardy, who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in Open Court Mr. Hardy took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

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Mch 22-'07 A. E. Daggs, Appellant,
No. 232. ✓ vs.
The Territory of Arizona, Respondent.

On motion of Mr. E.S. Clark, attorney for Respondent herein, It is ordered that Respondents time for filing brief be extended 30 days.

It is ordered that this Court stand adjourned until to-morrow, March 23-1907, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona, Saturday March 23-'07.
Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gilbert, Jr., Clerk
M.H. Calderwood, Crier,
J.L. Wolf., Bailiff,

The following business was transacted -

Albert Steinfeld, R. H. Shelton, Silver Bell Copper Company, a corporation, and Mammoth Copper Company, a corporation,

Appellants;

No. 943 ✓ vs.

Louis Zeckendorf,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby reversed, and the cause remanded for a new trial.

It is further ordered, adjudged, and decreed that the Appellants herein, do have and recover of and from Louis Zeckendorf Appellee herein, their costs in this court, taxed at Eight hundred forty-five and 20/100 ($845.20) Dollars, and have execution therefor.

Thomas M. Smith,

Appellant,

No. 972. ✓ vs.

The Imperial Copper Company, a corporation,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Thomas M. Smith, Appellant herein, and Adolf Bail and H. Meininger, [illegible]

Mch. 23-'07 sixteen ($16.00) Dollars, and its costs in the court below in this cause incurred.

No. 973. Thomas M. Smith,
Appellant,
vs.
Imperial Copper Company,
a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the lower court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Thomas M. Smith, Appellant herein, and Adolf Bail and H. Menager, sureties on Appeal Bond herein, its costs in this court, taxed at sixteen ($16.00) Dollars, and its costs in the court below in this cause incurred.

No. 975. The County of Coconino
Appellant,
vs.
The Board of Supervisors of
Coconino County, Arizona composed
of R. H. Cameron, Chairman, F. O. Polson,
and A. J. Cornish, as members of said
Board, and Harry Henderson, Sheriff of
said County of Coconino,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully

advised in the premises: It is ordered that the judgement of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the County of Cocoinno, Appellant herein, their costs in this court, taxed at nineteen and 50/100 ($19.50) Dollars, and their costs in the court below in this cause incurred.

Huachuca Water Company,
a corporation,
Appellant

No. 1004. -vs-

The City of Tombstone, of the Territory of Arizona, a corporation,
Appellee.

Comes now Mr Walter Bennett for Appellant herein, in open court, and gives notice of Appeal from the judgment of this Court, to the Supreme Court of the United States,

Beauchamp H. Smith,
Plaintiff in Error,
-vs-

No. 866. The King of Arizona Mining and Milling Company, et al.,
Defendants in Error.

On this cause, It is ordered that the Motion for an order substituting C. Elmer Smith and S. Saha Smith, executors of Beauchamp H. Smith, deceased, as Appellants in this cause, filed herein by attorney for Plaintiff in Error, and thereto committed, be and the same is hereby granted, service of said Motion having been accepted.

Mch. 23. '07

No. 866

C. Elmer Smith and S. Fahs Smith,
Executors of the Last Will and Testament of
Beauchamp H. Smith, deceased,
Plaintiffs in Error

vs.

The King of Arizona Mining and
Milling Company, et al.,
Defendants in Error.

At this day comes Mr Sam L. Patter, and asks leave to appear for E.S. Ives Esq., attorney for Defendants in Error herein,

It is ordered by the Court that said motion be granted.

On motion of Mr Sam L. Patter, for Plaintiffs in Error herein, It is ordered that he be granted permission to withdraw, temporarily, a printed copy of Abstract of Record

No. 866

C. Elmer Smith and S. Fahs Smith,
Executors of the Last Will and Testament of
Beauchamp H. Smith, deceased,
Plaintiffs in Error,

vs.

The King of Arizona Mining and
Milling Company, et al.,
Defendants in Error.

At this day comes Mr. H.B. Wilkinson, and asks leave to appear for J.F. Conroy, Esq, attorney for Plaintiffs in Error herein, It is ordered by the Court that said motion be granted.

Comes now Mr H.B. Wilkinson for Plaintiffs in Error herein, in open Court, and gives notice of appeal from the judgment of this court to the Supreme Court of the United States.

No. 866

C. Elmer Smith and S. Gabel Smith,
Executors of the Last Will and Testament of
Beauchamp H. Smith, deceased,
Plaintiffs in Error,

-vs-

The King of Arizona Mining and
Milling Company, et al.,
Defendants in Error.

In this cause, it is ordered that the motion for an order requiring the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Pima, to transmit forthwith to the Clerk of this Court the record heretofore before this Court, filed herein by Plaintiffs in Error, be taken under advisement, service of said motion having been accepted.

It is ordered that this Court stand adjourned until May 23-1907, at 10 o'clock A.M.

Edward Kent
Chief Justice.

May 23-'07 Supreme Court, } January Term, A. D. 1907.
Territory of Arizona, Phoenix, Arizona. Thursday, May 23-1907.
Court opened at 10 o'clock A. M.
Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, Associate Justice.
" Frederick S. Nave, Associate Justice.
F. A. Gritte Jr., Clerk.
M. H. Calderwood, Crier.
T. J. Duncan, Bailiff.
The following business was transacted.

No. 236. John Lacey, Appellant,
vs.
Territory of Arizona, Respondent.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellant, be submitted

No. 236. John Lacey, Appellant,
vs.
Territory of Arizona, Respondent.

The Motion to Dismiss the Appeal, filed herein by Appellee, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the appeal in the cause is hereby dismissed.

William Balderin,
Appellant,

No. 242. ✓ vs.

Territory of Arizona,
Respondent.

On motion of Mr. Geo J. Sturgeon, for Respondent,
It is ordered that this cause be passed for the day.

In the Matter of the Admission of
Orrin N. Compton
to practice before the Supreme Court.

The order made and entered by this Court on the
14th. day of January, 1907, admitting Mr. Orrin N.
Compton to practice Law in this Territory, was vacated
by the Court of its own motion and his name ordered
stricken from the Roll of Attorneys, for failure to
make payment of license fee.

C. Elmer Smith and S. Faho Smith,
Executors of the Last Will and Testament of
Beauchamp H. Smith, deceased,
Plaintiffs in Error,

No. 866. ✓ vs.

The King of Arizona Mining and
Milling Company, et al,
Defendants in Error.

On motion of Mr. E. S. Lee, attorney for
Defendants in Error, herein, It is ordered that he be
allowed until 12 o'clock M. in which to file new
affidavits, he may desire, to resist Motion for
Order.

On motion of Mr. Paul Eaton, for Plaintiffs in
Error, It is ordered that he be allowed to withdraw
any affidavits Defendants in Error may have

May 23-'07
No. 1015

Epes Randolph,
Appellant,
vs
Lycurgus Lindsay
Appellee.

On motion of Mr. F. H. Hereford attorney for Appellee herein, It is ordered that he be permitted to file Plea to Jurisdiction.

No. 1015

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

On motion of Mr. F. H. Hereford, attorney for Appellee herein, It is ordered that he be granted until noon to file Motion to Dismiss the Appeal, to be considered if Plea to Jurisdiction is overruled

No. 1015

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

On motion of Frank H. Hereford, Esq., attorney for Appellee herein, It is ordered that he be granted until noon to file Motion to set aside and vacate the order setting this cause for hearing, and Affidavit of praying order to show cause, to be considered if Plea to Jurisdiction is overruled.

No. 1015. ✓

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

On motion of E.S. Ives, Esq., attorney for appellant herein, It is ordered that this cause be set for hearing on its merits May 24- 1907.

No. 243. ✓

In the Matter of the Application of
Eduardo Ramirez
for a Writ of Habeas Corpus.

It is ordered that this cause be set for hearing at the close of this morning's business.

It appearing by the Records of this court that Guildore Eugene S. Ives was duly admitted to practice, and that he had failed to sign the Roll of Attorneys, now, on motion of Mr. L.H. Chalmers, It is ordered that he be allowed to sign said Roll.

On motion of Mr. Jas. McCormick, It is ordered that Mr. Thorvald Ladow, who holds a certificate from the District Court of Nanjo County be admitted to practice before this Court upon taking the Statutory oath, and

On motion of Mr. Eugene S. Ives, It is ordered that Mr. Warren L. Finch, who holds a certificate from the District Court of Pinal County be admitted to practice before this Court, upon taking the Statutory oath,

Whereupon, in open court Mr. Lemore [illegible]
Mr. Finch, took the Statutory oath as [illegible]
by Sec. 7, Chap. 81, Session Laws [illegible]

May 23-'07

No. 1006.

John H. Lee, et al.,
Appellants,
vs.
The Salt River Valley Water Users Association, a corporation,
Appellee.

On motion of Mr. J. H. Lucas, attorney for appellants herein, It is ordered that this cause be advanced and taken up for argument, & that the motion to Dismiss Appeal filed herein by Appellee be denied.

No. 1006.

John H. Lee, et al.,
Appellants,
vs.
The Salt River Valley Water Users Association, a corporation,
Appellee.

It is ordered that the Motion to Dismiss the Appeal, filed herein by Appellee, be submitted.

No. 982.

Otis H. H. Schley,
Appellant,
vs.
Ed. L. Vail, et al., composing the Board of Supervisors of Pima County, Territory of Arizona, et al.,
Appellees.

On motion of Mr. Frank H. Hereford, attorney for Appellees herein, It is ordered that no further action be taken in this cause until after Stipulation is filed.

No. 229. ✓ Nellie Buffehr,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Rehearing, filed herein by Respondent, be submitted.

No. 234. ✓ William Henry Cryer,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, be submitted.

No. 239. ✓ R. M. Buchanan,
Appellant,
vs.
United States of America,
Respondent.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, be submitted.

No. 240 ✓ William Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, be submitted.

May 23-'07

No. 892. ✓ Henry P. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellants, be submitted.

No. 960. ✓ In the Matter of The American Copper Company, Bankrupt.

In re Petition of Benjamin Blanchard and Howell Mining Company for Review.

It is ordered that the Motion for Re-hearing filed herein by Petitioners, be submitted.

No. 960 a. ✓ In the Matter of The American Copper Company, Bankrupt.

Benjamin Blanchard and Howell Mining Company,
Appellants,
vs.
G. H. Ammons, and other Creditors named in Citation on appeal herein,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted

No. 961. ✓

Tuley L. Motes,
Appellant,
vs.
Gila Valley, Globe & Northern Railway Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellee, be submitted.

No. 963. ✓

C. Ramirez,
Plaintiff in Error,
vs.
Frank M. Main,
Defendant in Error.

It is ordered that the Motion for Re-hearing, filed herein by Defendant in Error, be submitted.

No. 966. ✓

Liberty Mining & Smelting Company, a corporation,
Appellant,
vs
Robert Geddes,
Appellee.

It is ordered that the Motion for Rehearing, filed herein by Appellant, be submitted.

No. 969. ✓

Clara N. Kinney,
Appellant,
vs.
J. C. Lemley,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellee, be submitted.

May 23-07

No. 978. ✓

Montezuma Canal Company,
a corporation,
Appellant,
vs.
Smithville Canal Company,
et al.,
Appellees.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, be submitted.

No. 980. ✓

John McGowan,
Appellant,
vs.
J. N. Gaines, as the Tax Collector
of the County of Cochise, Territory
of Arizona, et al.,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, be submitted.

No. 986. ✓

The Equitable Life Assurance
Society of the United States,
a corporation,
Appellant,
vs.
David Babbitt, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, be submitted.

No. 988.

Boquillas Land & Cattle Company, a corporation,
Plaintiff in Error,
vs.
The St. David Co-operative Commercial & Development Association, a corporation, et al.,
Defendants in Error.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 993.

R. H. Daniel, et al.,
Appellants,
vs.
James Gallagher, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 994.

J. N. Porter,
Appellant,
vs.
J. H. Brown,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 999.

M. J. Callahan,
Appellant,
vs.
John A. Barkley, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

May 23-'07

No. 967. ✓

Ismael F. de Amado,
Appellant,
vs.
B. Friedman,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 974. ✓

Allen R. English, et ux.,
Appellants,
vs.
The Territory of Arizona, at the relation and to the use of John H. Bogan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

No. 1005. ✓

R. N. Leatherwood,
Appellant,
vs.
R. R. Richardson, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 968. ✓

Charles L. Kinsley,
Appellant,
vs.
New Vulture Mining Company,
Appellee.

It is ordered that the Motion to Dismiss

Motion for Re-hearing, filed herein by Appellant, to be submitted.

No. 991. ✓

P. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellee, be submitted.

No. 243. ✓

In the Matter of the Application
of Eduardo Ramirez
for a Writ of Habeas Corpus.

On this day, on motion of Mr. J. L. B. Alexander, United States District Attorney, it is ordered that Mr. Chas. Bleckman be entered of counsel.

No. 243. ✓

In the Matter of the Application
of Eduardo Ramirez
for a Writ of Habeas Corpus.

On this day, on motion of Mr. Selim M. Franklin, attorney for Petitioner herein, it is ordered that Mr. Albert Morales of Sonora, Mexico, be allowed to appear for the purposes of this cause.

No. 243 ✓

In the Matter of the Application
of Eduardo Ramirez
for a Writ of Habeas Corpus.

At this day, this cause coming on for hearing, was argued by Mr. Chas. Bleckman for the United States and Mr. Selim M. Franklin for Petitioner, and cause ordered submitted.

May 23-07

No. 979. James H. York,
Appellant,
vs.
The United Clerks Mines,
a corporation,
Appellee.

It is ordered that the Motion for Re-hearing of Motion to Re-instate Appeal, filed herein by Appellant, be submitted.

No. 1013. William Lawrence,
Appellant,
vs.
Arthur C. Cole,
Appellee.

It is ordered that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

No. 241. In the Matter of the Petition of
Isaac Conte,
for a Writ of Habeas Corpus.

It is ordered that the Petition for Writ of Habeas Corpus filed herein, be submitted.

It is ordered that this Court stand adjourned until tomorrow, May 24, 1907, at 10 o'clock A. M.

Edward Douglass White
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona. Friday May 24, 1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "

F. A. Gritz Jr., Clerk.
M. H. Calderwood, Crier.
G. J. Duncan, Bailiff.

The following business was transacted.

No. 242. William Baldwin,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered by the Court that the hearing of this cause be set for June 17, 1907.

No. 229. Nellie Buffehr,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Respondent and heretofore submitted, be, and the same is hereby, denied.

May 24-'07

No. 234.

William Henry Cryer,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 239.

A. M. Buchman,
Appellant,
vs.
United States of America,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 240.

William Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 892.

Henry O. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellants, and

heretofore submitted, be and the same is hereby, denied.

No. 960. ✓

In the Matter of The American Copper Company, Bankrupt.

In re Petition of Ben Blanchard and Howell Mining Company, for Review.

It is ordered that the Motion for Re-hearing filed herein by Petitioners, and heretofore submitted, be and the same is hereby, denied.

No 960a ✓

In the Matter of The American Copper Company, Bankrupt.

Benjamin Blanchard and Howell Mining Company, Appellants,

-vs-

G. H. Ampron, and other creditors named in citation on appeal herein, Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby, denied.

No. 961. ✓

Pusley L. Mates, Plaintiff in Error,

-vs-

The Elko Valley Short & Northern Railway Company, a corporation, Defendant in Error.

It is ordered that the Motion for Re-hearing filed herein by Defendant in Error, and heretofore submitted, be and the same is hereby, denied.

May 24-'07

No. 963. ✓

C. Ramirez,
Plaintiff in Error,
vs.
Frank H. Main,
Defendant in Error.

It is ordered that the Motion for Re-hearing, filed herein by Defendant in Error, and heretofore submitted, be and the same is hereby, denied.

No. 966. ✓

Liberty Mining & Smelting Company, a Corporation,
Appellant,
vs.
Robert Geddes,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 969. ✓

Clara A. Kinney,
Appellant,
vs.
J. C. Lundy,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby, denied.

No 978. ✓

Montezuma Canal Company,
a corporation,
Appellant,
vs.
Smithville Canal Company, et al;
Appellees.

It is ordered that the motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 979. ✓

James H. York,
Appellant,
vs.
The United Globe Mines,
a corporation,
Appellee.

It is ordered that the Motion for Re-hearing of Motion to Re-instate Appeal, filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 980. ✓

John McGowan,
Appellant,
vs.
J. N. Gaines, as the Tax Collector of the County of Cochise, Territory of Arizona, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

May 24-'07

The Equitable Life Assurance Society of the United States, a corporation,

Appellant,

No. 986. ✓

-vs-

David Babbitt, et al.,

Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, and heretofore submitted, be, and the same is hereby, denied.

Boquillas Land & Cattle Company, a corporation,

Plaintiff in Error,

No. 988. ✓

-vs-

The St. David Co-operative Commercial & Development Association, a corporation, et al.,

Defendants in Error.

It is ordered that the Motion for Re-hearing filed herein by Plaintiff in Error, and heretofore submitted, be and the same is hereby, denied.

R. H. Daniel, et al.,

Appellants,

No. 993. ✓

-vs-

James Gallagher, et al.,

Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be, and the same is hereby, denied.

No. 994. ✓

J. R. Porter,
Appellant,
vs.
J. H. Brown,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 999. ✓

M. J. Callahan,
Appellant,
vs.
John A. Barkley, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 967. ✓

Ismael F. de Arnado,
Appellant,
vs.
B. Friedman,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, granted.

No. 967. ✓

Ismael F. de Arnado,
Appellant,
vs.
B. Friedman,
Appellee.

It is ordered that this cause be submitted on briefs already filed, counsel for appellee to open.

May 24-'07

No. 974.

Allen R. English, et al.,
Appellants,
-vs-
The Territory of Arizona at the relation and to the use of John H. Organ Treasurer and Ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is, hereby granted.

Allen R. English, et al.,
Appellants,
-vs-
The Territory of Arizona at the relation and to the use of John H. Organ Treasurer and Ex-officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee

It is ordered that this cause be taken up on its merits, on the briefs filed.

No. 974.

No. 1005

R. N. Leatherwood,
Appellant,
-vs-
A. R. Richardson, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is, hereby granted.

No. 1005. ✓

R. N. Leatherwood,
Appellant,
vs.
R. A. Richardson, et al.,
Appellees.

A re-hearing having been granted, it is ordered that this cause be taken up on its merits, on the briefs heretofore filed.

No. 968. ✓

Charles L. Kinsley,
Appellant,
vs.
New Venture Mining Company,
Appellee.

It is ordered that the Motion to Deny Motion for Re-hearing, filed herein by Appellant, and heretofore submitted, be and the same is hereby, granted.

No. 991. ✓

O. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby, granted.

No. 991. ✓

O. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

A re-hearing having been granted, it is ordered that this cause be taken up on its merits, on the briefs heretofore filed.

May 24-'07
No. 2414

In the Matter of the Petition of
Isaac Coombs,
For a Writ of Habeas Corpus.

The Petition for Writ of Habeas Corpus filed herein having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that said Petition be, and the same is hereby, denied.

No. 866.

C. Elmer Smith and L. Fahs Smith
Executors of the Last Will and Testament of
Beauchamp H. Smith, deceased,
Plaintiffs in Error,

vs.

The King of Arizona Mining and
Milling Company, et al.,
Defendants in Error.

The Motion for Order requiring the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Pima, to transmit forthwith to the Clerk of this Court the record heretofore before said Court in the above entitled cause, filed herein by Plaintiffs in Error, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be, and the same is hereby, granted, and

It is further ordered that the said record be transmitted by the Clerk of said District Court to the Clerk of this Court as soon as the case in which it is to be used, is filed in said District Court of Pima County, but in any event, said record must be transmitted to the Clerk of this Court on or before Thursday, July 20, 1907.

No. 1006. John H. Lee, et al.,
Appellants,
vs.
The Salt River Valley Water Users Association, a corporation,
Appellee.

The Motion to Dismiss Appeal, filed herein by Appellee, having been heretofore submitted, It is ordered that said Motion be, and the same is hereby, denied.

No. 1006. John H. Lee, et al.,
Appellants,
vs.
The Salt River Valley Water Users Association, a corporation,
Appellee.

It is ordered that this cause be set for hearing this morning.

No. 1015. Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

The Plea to Jurisdiction filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that said Plea to Jurisdiction be, and the same is hereby, overruled.

May 24-07

No. 1015 V

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

It is ordered that the Motion to Dismiss Appeal filed herein by Appellee, and heretofore submitted, be and the same is hereby, denied.

No. 1015 V

Epes Randolph,
Appellant,
vs
Lycurgus Lindsay,
Appellee.

It is ordered that the Motion to set aside and vacate the order setting this case for trial, filed herein by Appellee, and heretofore submitted, be and the same is hereby granted.

No. 1015 V

Epes Randolph,
Appellant
vs.
Lycurgus Lindsay,
Appellee.

On motion of Mr. Eugene S. Ives, it is ordered that Mr. J. H. Swanwick, an attorney and counselor at law authorized to practice before the Supreme Court of the State of California be admitted for the purpose of this cause on behalf of Appellee.

No. 1015 ✓

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

At this day, on motion of Eugene S. Ives Esq., attorney for Appellant herein, over the objection of Appellee by his counsel J. H. Swanwick Esq., It is ordered that this cause be set for hearing June 17, 1907.

On motion of Eugene S Ives, Esq., It is ordered ✓ that D. M. Penny Esq., who holds a certificate from the District Court of Pima County, and

On motion of J. F. Wilson, Esq., It is ordered that ✓ J. Eleby Hall Esq., who holds a certificate from the District Court of Yavapai County, and

On motion of S. L. Patten Esq., It is ordered ✓ that Frank H. Doan Esq., who holds a certificate from the District Court of Pima County, be admitted to practice before this Court upon taking the Statutory oath as prescribed by Sec. 7, Chap. 76, Session Laws of Arizona, 1907.

Whereupon, in open Court Mr. Penny, Mr. Hall and Mr. Doan, took the Statutory oath.

No. 974. ✓

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona at the relation and to the use of John H. Bogan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima, in the Territory of Arizona,
Appellee.

At this day comes Jas. Reilly, Esq., [illegible]

May 24-'07 for a longer time than the Court indicated, in which to file brief, which said motion was by the Court denied.

No. 974.

Allen R. English et al.,
Appellants,
vs.
The Territory of Arizona at the relation and to the use of John H. Vogan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima in the Territory of Arizona,
Appellee.

At this day, upon motion of Appellants' attorney, it is ordered by the Court that the Appellants be granted 10 days in which to file brief.

No. 974.

Allen R. English, et al.,
Appellants,
vs.
The Territory of Arizona at the relation and to the use of John H. Vogan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima in the Territory of Arizona,
Appellee.

At this day, upon motion of Appellee's attorney, it is ordered by the Court that the Appellee be granted 10 days, after the filing of Appellants' brief, in which to file its brief.

John McGowan,

Appellant,

No. 980. ✓ vs.

J. N. Gaines, as the Tax Collector of the County of Cochise, Territory of Arizona, et al.,

Appellees.

At this day comes Webster Street, Esq., for Appellant herein, in open Court and gives notice of Appeal from the judgment of this Court, to the Supreme Court of the United States.

✓ Upon motion of Webster Street, Esq., for Appellant herein, it is further ordered that the amount of the Bond on Appeal be fixed in the sum of one thousand {$1,000.} dollars.

It appearing by the records of this court that on the 17th day of January, 1898, Thos. E. Flannigan was duly admitted to practice, and that he had failed to sign the Roll of Attorneys, now, on motion of Webster Street, Esq., it is ordered that he be allowed to sign said Roll, and the Clerk of this Court instructed to issue a license in the event the record shows he is qualified to receive same.

Bogueillas Land & Cattle Company,

a corporation,

Plaintiff in Error,

No. 988. ✓ vs.

The St. David Co-operative Commercial & Development Association, a corporation, et al.,

Defendant in Error.

At this day comes S. L. Patten, Esq., for plaintiff herein, in open Court and moves to dismiss the writ of Error herein for the reason that the Court has no jurisdiction of the subject matter of the action, and that the Court has no jurisdiction of the parties defendant in Error, and that the Court has no jurisdiction to issue the writ of Error herein, and that the writ of Error herein was improvidently issued

May 24-'07. Upon motion of S.L. Carter, Esq., for Appellant herein, it is ordered that the amount of the Bond on Appeal be fixed in the sum of one thousand ($1,000.) dollars.

No 988. Joaquillas Land & Cattle Company, a corporation, Plaintiff in Error, vs. The St. David Co-operative Commercial & Development Association, a corporation, et al., Defendant in Error.

At this day, upon motion of attorney for Plaintiff in Error, herein, it is ordered that he be granted time in which to file Affidavit of Value.

No. 978. Montezuma Canal Company, a corporation, Appellant, vs. Smithville Canal Company et al., Appellees.

At this day, comes Thos Armstrong Jr, Esq. for appellant herein, in open court and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States,

Upon motion of Thos. Armstrong, Jr, Esq, for appellant, It is ordered that the amount of the Bond on Appeal be fixed in the sum of one thousand ($1,000.) dollars.

Montezuma Canal Company,
a corporation,
Appellant,
No. 978. ✓ vs.
Smithville Canal Company, et al.,
Appellees.

At this day, upon motion of attorney for Appellant herein, it is ordered that he be granted time in which to file Affidavit of Value

At this day, the Court announced that the Board of Examiners, for the examination of applicants for admission to the bar, had decided upon Phoenix as the place at which applicants might be examined, and the times at which the examinations would be held was fixed at two days before the convening of the January term of this court, and two days before the Fall session thereafter.

P.L. Sherman, et al.,
Appellants,
No. 991 ✓ vs.
Libbie Goodwin,
Appellee.

At this day, upon motion of H.J. Kingsbury, Esq, attorney for Appellee herein, it is ordered by the Court that Appellee be granted 10 days in which to file supplemental Brief.

May 24-'07
No. 991.

O. L. Sherman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

At this day, upon motion of D. H. Linney Esq., attorney for Appellants herein, it is ordered by the Court that Appellants be granted 10 days after the filing of Appellee's supplemental brief, within which to file reply brief.

No. 1006.

John H. Lee, et al.,
Appellants,
vs.
The Salt River Valley Water Users Association, a corporation,
Appellee.

At this day this cause coming on for hearing, was argued by J. H. Lucas, Esq., for Appellants, and Geo. J. Ashman for Appellee, and cause ordered submitted.

It is ordered that this Court stand adjourned until to-morrow, May 25, 1907, at 9 o'clock A.M.

Chief Justice.

Supreme Court, } January Term, A. D. 1907.
Territory of Arizona. } Phoenix, Arizona. Saturday, May 25, 1907.

Court opened at 9 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritts, Jr., Clerk
M. H. Calderwood, Crier,
T. J. Duncan, Bailiff.

The following business was transacted.

Prescott National Bank,
Appellant,
vs.
No. 992. A. J. Head,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the district court be, and the same is hereby, reversed, and the cause remanded for a new trial.

It is further ordered adjudged and decreed, that the appellant herein do have and recover of and from A. J. Head, Appellee herein, its costs in this cause, taxed at one hundred seventy nine and 35/100 ($179.35) dollars.

Reversed costs included in Mandate $5.50

May 25- '07

Martin Buggeln, J.A. Riordan and M.J. Riordan,
Appellants,

No. 989.

vs.

Niles J. Cameron, C.H. McClure and R.H. Ferguson,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be, and the same is hereby, reversed, and the case remanded for further proceedings in conformity with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellants herein, do have and recover of and from Niles J. Cameron, C.H. McClure and R.H. Ferguson, Appellees herein, their costs in this cause, taxed at one hundred twenty-six and 45/100 ($126.45) dollars

William Lawrence,
Appellant,

No. 1013.

vs.

Arthur C. Cole,
Appellee.

The Motion to Affirm Judgment filed herein by Appellee, and heretofore submitted, not showing proof of service, It is ordered that no action be taken in the matter.

On motion of Walter Bennett, Esq., It is ordered that O.J. Richey, Esq., who holds a certificate from the District Court of Pima County, be admitted to practice before this Court upon taking the Statutory oath as prescribed by Sec. 7, Chap. 76, Session Laws of Arizona, 1907.

Whereupon, in open court, Mr. Richey took the Statutory oath.

No. 971.

Old Dominion Copper Mining and Smelting Company,
Appellant,
vs.
Nellie Waverly, et al
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby reversed and remanded, and the lower court is directed to enter judgment for the plaintiff.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from Nellie Waverly, Harry Johns, James Hall and Joseph E. Hall, Appellees herein, its costs in this court, taxed at two hundred sixty-three and 25/100 ($263.25) Dollars, together with its costs in the lower court in this cause incurred.

No. 243.

In the Matter of the Application of J. Edwards Canning for a Writ of Habeas Corpus.

Petition denied, Petitioner discharged.

May 25-'07 submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises, It is ordered that the Petitioner be and he is hereby discharged from custody, unless the authorities prosecuting the proceedings desire to take an appeal to the Supreme Court of the United States.

No. 243. In the Matter of the Application of Eduardo Ramirez for a Writ of Habeas Corpus.

At this day, comes J.L.B. Alexander Esq., United States District Attorney in open court and gives notice of appeal to the Supreme Court of the United States from the Judgment of this Court discharging the Petitioner,

Whereupon, it is ordered that the Petitioner be remanded to the custody of the marshal, to be released upon his giving bail in the sum of twenty-five thousand dollars, under the provisions of rule thirty-four (34) of the Supreme Court of the United States.

No. 243. In the Matter of the Application of Eduardo Ramirez for a Writ of Habeas Corpus.

At this day, comes J.L.B. Alexander Esq., United States District Attorney on behalf of Arthur Elias Superior Court of the United States of Mexico, in open court and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court discharging the Petitioner.

No. 971.

Old Dominion Copper Mining and Smelting Company,
Appellant,
vs.
Nellie Hawley, et al.,
Appellees.

At this day, comes Webster Street Esq., for Appellees herein, in open Court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this court.

Upon motion of Webster Street Esq., for Appellees it is ordered that the amount of the Bond on Appeal be fixed in the sum of one thousand ($1000.) dollars.

No. 971.

Old Dominion Copper Mining and Smelting Company,
Appellant,
vs.
Nellie Hawley, et al.,
Appellees.

At this day, upon motion of Webster Street, Esq., for Appellees herein, it is ordered that he be granted time in which to file Affidavit of Value.

On motion of A.C. Baker, Esq., It is ordered that Wm Wylie Esq., who holds a certificate from the District Court of Maricopa County, be admitted to practice before this Court upon taking the Statutory oath as prescribed by Sec. 7 Chap. 76, Session Laws of Arizona 1907.

Whereupon in open court Mr Wylie took the Statutory oath.

It is ordered that this court stand adjourned until June 17, 1907, at 10 o'clock A. M.

In the Supreme Court of the Territory of Arizona.

No. 243. In the Matter of the Application of Eduardo Ramirez for a Writ of Habeas Corpus.

Whereas, Eduardo Ramirez has this day presented and filed his bond in the sum of twenty-five thousand dollars conditioned as required in the order heretofore made herein, and

Whereas, the said bond has been approved by the Chief Justice as to form, amount and sufficiency of the sureties,

It is Ordered that the said Eduardo Ramirez be discharged from the custody of the United States Marshal for the Territory of Arizona, and that a certified copy of this order shall be a warrant for said Marshal for such discharge.

Dated, Phoenix, June 15th, 1907.

Edward Kent,
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona, Monday, June 17, 1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" Frederick S. Nave, " "
F. A. Gritts, Jr., Clerk.
M. H. Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted:

No. 242. ✓

William Baldwin,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day this cause coming on for oral argument and this being an appearance for Appellant, it is ordered by the Court that this cause be submitted.

No. 1013. ✓

William Lawrence,
Appellant,
vs.
Arthur C. Cole,
Appellee.

At this day, upon motion of A. C. Baker, Esq., for Appellee, it is ordered that the Motion to affirm the Judgment on Short Transcript, filed herein, be submitted.

June 17-'07

No. 1013.

William Lawrence,
Appellant,
vs.
Arthur C. Cole,
Appellee.

At this day comes J. B. Woodward, Esq., for L. L. Henry, Esq., Attorney for Appellant, and moves for time in which to complete appeal and file Transcript, which is ordered submitted with the Motion to Affirm.

No. 1015.

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsey,
Appellee.

At this day, this cause coming on for oral argument, is argued by Eugene S. Ives, Esq., and L. L. Carter, Esq., for Appellant and Frank H. Hereford Esq., and J. H. Brannick, Esq., for Appellee, at the conclusion of which the cause is ordered submitted.

No. 992.

Prescott National Bank,
Appellant,
vs.
A. J. Head,
Appellee.

At this day, it is ordered that the Motion for Re-hearing filed herein by Appellee, be and the same is hereby, submitted.

And thereupon Court adjourns until Tuesday June 18, at 3 o'clock P. M.

Edmund Von [illegible]
Chief Justice

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona, Tuesday, June 18, 1907.

Court opened at 3 o'clock P.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gittle Jr., Clerk.
M.H. Calderwood, Crier.
F.J. Duncan, Bailiff.

The following business was transacted:

No. 990 ✓

Maria O. Otero,
Appellant,
vs.
Joseph J. Otero and
M. K. Jones,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises, it is ordered, that the judgment of the District Court be and the same is hereby reversed and the cause remanded for a new trial.

✓ It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from Joseph J. Otero and M. K. Jones the Appellees herein the costs in this Court taxed at one hundred thirty-three and 5/100 ($133.05) dollars.

June 18-'07

No. 967.

Ismael F. de Amado,
Appellant,
vs.
B. Friedman,
Appellee.

At this day it appearing to the Court from the Stipulation filed herein, that this cause has been compromised and settled, it is ordered that the order heretofore made on the 24th day of May, 1907, granting a re-hearing, be and the same is hereby, vacated

No. 1013.

William Lawrence,
Appellant,
vs.
Arthur C. Cole,
Appellee.

The Motion to Affirm the Judgment of the lower court on Short Transcript, filed herein by Appellee, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: it is ordered that said Motion be granted and the judgment of the lower court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from William Lawrence, Appellant herein, and Abijah G. Smith and G. S. Van Wagenen, sureties on Appeal Bond herein, his costs in this cause, taxed at Thirteen and 75/100 ($13.75) dollars, and his costs in the court below in this cause incurred.

Cleaned costs $8.75

No. 992.

Quaratt National Bank,
Appellant,
vs.
A. J. Head,
Appellee.

At this day it is ordered that the Motion for Re-hearing filed herein by Appellee and heretofore submitted be and the same is hereby, denied.

No. 242.

William Baldwin,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: it is ordered that the judgment of the District Court be and the same is hereby, affirmed.

No. 1006.

John H. Lee, William A. E. Lee, and Nancy Lee,
Appellants,
vs.
The Salt River Valley Water Users Association,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same, and the Justices having divided equally on affirmance and reversal; it is ordered, pursuant to law, that the judgment of the District Court in the cause is hereby affirmed.

[illegible]

June 18-'07

Shall the Appellee herein do have and recover of and from J. N. Lee, William R. E. Lee, and Nancy Lee, Appellants herein, and J. N. Porter, and S. F. Sullenberger, sureties on Appeal Bond, herein, its costs in this court, taxed at Ten ($10.00) _____ dollars, together with its costs in the court below in this cause incurred

No. 974.

Allen R. English and
Hocura English, his wife,
Appellants,

vs.

The Territory of Arizona, at the relation and to the use of John H. Bryan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima in the Territory of Arizona,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: it is ordered that the judgment of the lower court be modified by limiting the computation of the four per cent. penalty to the amount of the judgment, excluding the attorney's fee, and as so modified, that the judgment be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Allen R. English and Hocura English, his wife, Appellants herein and Martin Bates and James Reilly, sureties on Appeal and Supersedeas Bonds herein, the sum of Seventy-five Hundred and Fifty-three dollars

and seventy-five cents ($12,533.75) with interest thereon from the 21st day of December, 1904, until paid at the rate of twelve per centum per annum, the sum of fifteen cents (15¢) for Clerk's fees, an attorney's fee of twenty-five per centum of the judgment and interest thereon, and four per centum of the amount collected and turned in to the County Treasury, exclusive of the attorney's fee, as and for the fees of the tax-collector, together with its costs in the court below incurred.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from the Appellee herein, their costs in this court, taxed at three hundred fifty-seven ($357.00) dollars.

Epus Randolph,
Appellant,

No. 1015 vs.

Lycurgus Lindsay,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; it is ordered that the judgment of the District Court be and the same is hereby reversed and the cause remanded to that Court for further proceedings not inconsistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from Lycurgus Lindsay, Appellee herein, the costs in this court, taxed at one hundred twenty-five and 70/100 ($125.70) dollars.

Mandate issued

June 18- '07

No. 973.

Montezuma Canal Company,
Appellant,
vs.
Smithville Canal Company,
et al,
Appellees.

At this day comes Thomas Armstrong Jr., Esq., Attorney for Appellant herein in open court, and files his affidavit of value showing that the amount involved exceeds the sum of five thousand dollars, it is therefore ordered that the appeal of said Montezuma Canal Company be and the same is hereby allowed.

No. 974.

Allen R. English, et ux,
Appellants,
vs.
The Territory of Arizona at the relation and to the use of John H. Organ, Treasurer and Ex-Officio Tax Collector in and for the County of Pima in the Territory of Arizona,
Appellee.

At this day comes James Reilly, Esq. Attorney for Appellants herein in open court and gives notice of Appeal from the judgment of this Court to the Supreme Court of the United States.

No. 974.

Allen R. English, et ux.,
Appellant,
vs.
The Territory of Arizona at the relation and to the use of John H. Fagan, Treasurer and Ex-Officio Tax Collector in and for the County of Pima in the Territory of Arizona,
Appellee.

Upon motion of James Reilly Esq., for Appellants it is ordered that the Amount of the Bond on Appeal be fixed in the sum of One Thousand ($1.000.) dollars.

And thereupon Court adjourned until Monday, November 11, 1907, at 10 o'clock A.M.

Edward Kent
Chief Justice.

No. 243.

In the Matter of the Application of Eduardo Ramirez. For a Writ of Habeas Corpus.

United States Marshal's Return.

Received this order June 17, 1907 at Tucson, Arizona, and as directed hereon I have this day discharged the within named Eduardo Ramirez from custody.

G. F. Daniels,
United States Marshal.

Nov. 11- 1907 Supreme Court, } January Term A. D. 1907.
Territory of Arizona. } Phoenix, Arizona. Monday, November 11, 1907.
Court opened at 10 o'clock A. M.
Present: Honorable Edward Kent, Chief Justice.
" " Richard E. Sloan, Associate Justice.
" " Fletcher M. Doan, " "
" " John H. Campbell, " "
" " Frederick S. Nave, " "
F. A. Tuttle Jr., Clerk,
M. H. Calderwood, Crier
Bailiff.

The following business was transacted:

Comes now Jno. J. Hawkins Esq., and moves that Daniel E. Parks, who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Comes now W. H. Pinney, Esq., and moves that A. R. Capehart, who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Comes now E. S. Clark, Esq., and moves that C. P. Elliott, Jr., who holds a certificate from the Supreme Court of the State of Missouri, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Comes now E. S. Clark, Esq., and moves that O. H. Rutherford, who holds a certificate from the District Court of the Fourth Judicial Dist.

and for the County of Yavapai, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, as prescribed by Chapter 76, Laws of 1907.

On motion, It is ordered that Mr. George E. Fraller, who holds a certificate from the Court of Appeals of the District of Columbia, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907. Whereupon Mr. Fraller took the required oath.

No. 1022.

The Territory of Arizona at the relation of E. S. Clark, Attorney General,

Plaintiff,

-vs-

J. N. Gaines, as Tax Collector of Cochise County, in Arizona, Territory,

Defendant.

On motion of Mr. E. S. Clark, attorney for the Plaintiff herein, It is ordered that the hearing of this cause be set for to-morrow at 1 o'clock P. M.

No. 990

Maria O. Otero,

Appellant,

-vs-

Joseph J. Otero, Anna O. Gonzales, and H. K. Jamieson,

Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, be submitted.

Nov. 11-1907

No. 1007

Ralph H. Cameron,
Appellant,
vs.
The Grand Canyon Railway
Company, a corporation,
Appellee.

It is ordered that the Stipulation dismissing cause filed herein, be taken under advisement.

No. 1015

Epes Randolph,
Appellant,
vs.
Lysander Lindsay,
Appellee.

It is ordered that the Motion to Dismiss Motion for Re-hearing, filed herein by Appellee, be submitted.

It is ordered that this Court stand adjourned until to-morrow, November 12, at 9:30 o'clock A.M.

Emmet A.
Chief Justice.

Supreme Court, } January Term, A.D. 1907.
Territory of Arizona. } Phoenix, Arizona, Tuesday, November 12, 1907.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Hare, " "
F. A. Gilbert Jr., Clerk,
M. H. Calderwood, Crier,
Bailiff.

The following business was transacted.

No. 990 ✓

Maria O. Otero,
Appellant,
-vs-
Joseph J. Otero, Aurora O. Gonzales and H. H. James,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellees, and heretofore submitted, be and the same is hereby denied.

No. 1007 ✓

Ralph H. Cameron,
Appellant,
-vs-
The Grand Canyon Railway Company, a Corporation,
Appellee.

A stipulation and agreement between the parties to the above entitled action that the appeal herein taken by the appellant may be dismissed, having been heretofore submitted by the Court, it is ordered that said appeal be and the same is hereby dismissed.

Nov 12-07 The Calumet Consolidated Copper Company,
Appellant,
No. 1020 vs
J.R. Mora, et al.,
Appellees.

On motion of Mr. Geo. J. Steinman attorney for Appellees herein, It is ordered that he be granted 30 days in which to file briefs.

On motion made yesterday by Mr. Jno. J. Hawkins, It is now ordered that Mr. Daniel E. Parks, who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76 Laws of 1907.
Whereupon, in open court Mr Parks took the required oaths.

On motion made yesterday by Mr. D.H. Pinney It is now ordered that Mr A.R. Capehart, who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.
Whereupon, in open court Mr. Capehart took the required oaths.

On motion made yesterday by Mr. E. S. Clark It is now ordered that Mr. C.O. Eberle, Jr., who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.
Whereupon, in open court Mr. Eberle took the required oaths.

On motion made yesterday by Mr. E. S. Clark, it was ordered that Mr. C. H. Rutherford, who holds a certificate from the District Court of the Fourth Judicial District in and for the County of Yavapai, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Rutherford took the required oaths.

Comes now Mr. J. C. Phillips and moves that Mr. O. H. Sweeney, who holds a certificate from the District Court of Appeal, Second Appellate District, State of California, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Mr. Walter Bennett, chairman of the Board of Examiners for admission to the Bar presented the report of the examination conducted by them at Phoenix, Arizona, on Nov. 8th and 9th, 1907, and recommended that the following named persons who had presented to the Committee satisfactory evidence of their right to take the examination, and who answered correctly more than 70 per cent of the questions propounded by the Board, be admitted at this term of court to practice at the Bar of the Supreme Court of the Territory of Arizona.

Harriet M. Herrick,
Norman J. Johnson,
W. E. Linder,
Eva C. Hill,
Charles A. Marfort.

The Committee further reported that the following named persons had failed to pass the examination:

W. E. Mowery,
Chas. M. Hoffmeyer,
Chas. C. Andrews,
Jesse S. McCormick.

Nov. 12-07. had answered correctly more than 70 per cent of the questions propounded to them at the examination but had not as yet presented to the Committee satisfactory evidence of their qualifications to take the examination; and therefore recommended that the admission of these last named gentlemen to the Bar of this Territory be delayed until the Committee shall report to this Court, or to the Chief Justice thereof, that satisfactory evidence has been furnished the Committee of their right to take the examination.

The report of the Committee being accepted, the Court ordered that Harriet M. Kenfick, Norman J. Johnson, W. E. Ginder, Ben C. Hill, and Charles A. Morfoot be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76 Laws of 1907.

Whereupon, in open court the above named applicants took the required oaths.

The Court further ordered that W. E. Mooney, Chas M. Holmes, Chas C. Andrews, and John S. Williams, be admitted to the Bar of this Territory upon report of the Board of Examiners to the Court or to the Chief Justice thereof, either during vacation or in term time, that satisfactory evidence had been furnished the Board of their right to take the examination.

Court took a recess until 1 o'clock this afternoon.

Court re-convened at 1 o'clock P.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Mare " "
and the Clerk.

The following business was transacted.

On motion of Mr. E.S. Clark, It is ordered that Mr. William R. Chambers, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon in open court, Mr. Chambers took the required oaths.

On motion of Mr. E.S. Clark, It is ordered that Mr. Clement H. Coleman, who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Yuma, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Coleman took the required oaths.

On motion made this morning by Mr. J.C. Shillipy, It is now ordered that Mr. D.H. Sweeney, who holds a certificate from the District Court of Appeal, Second Appellate District, State of California, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Sweeney took the required oaths.

In the Matter of the American Copper Company, Bankrupt.

Benjamin Blanchard, et al., Appellants,

No. 960 A. vs.

G.W. Armour, et al., Appellees.

Mr. Louis Sherman for the Petitioner.

Nov. 12-'07 Mr. Robt. E Morrison, attorney for Appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this court.

The Territory of Arizona at the relation of E.S. Clark, Attorney General,

Plaintiff,

No. 1022. ✓ vs.

J.N. Gaines as Tax Collector of Cochise County, in Arizona Territory,

Defendant.

This cause coming on at this time for hearing was argued by Mr. E.S. Clark and Mr. G.F. Wilson for Plaintiff and Mr. Geo Goodrich for Defendant, and cause ordered submitted.

The Territory of Arizona at the relation of E.S. Clark, Attorney General,

Plaintiff,

No. 1022. ✓ vs

J.N. Gaines as Tax Collector of Cochise County, in Arizona Territory,

Defendant.

On motion of Mr. E.S. Clark, attorney for Plaintiff herein, It is ordered that he be granted ten days in which to file brief.

It is ordered that this Court stand adjourned until tomorrow, November 13, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1907.
Territory of Arizona: } Phoenix, Arizona. Wednesday November 13, 1907.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, "
John H. Campbell "
Frederick S. Nave "
F. A. Gritts Jr., Clerk,
M. H. Calderwood, Crier.
Sheriff.

The following business was transacted.

No. 1029. Angelas Dias de Hansen, et al, Petitioners, vs. The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, Respondent.

At this day the Petition for Writ of Certiorari, coming on for hearing was argued by Hon. J. H. Cleary for Petitioners, and submitted.

It is ordered that this Court stand adjourned until to-morrow, November 14, at 9:30 o'clock A. M.

Edward Kent
Chief Justice.

2 2053

1 Nov. 14-1907

Supreme Court,
Territory of Arizona.

January Term, A.D. 1907.
Phoenix, Arizona, (Thursday) November 14, 1907.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
F. A. Gritle Jr., Clerk,
M. H. Calderwood Crier.
Bailiff.

The following business was transacted.

Angelas Dias de Hansen,
et al.,
Petitioners,
vs.
No. 1029. The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County,
Respondent.

The Petition for Writ of Certiorari having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is Ordered that said Petition be granted, and further proceedings stayed, said Writ returnable on or before the 18th day of January, 1908.

It is ordered that this Court stand adjourned until tomorrow, November 15, at 9:30 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D., 1907.
Territory of Arizona. } Phoenix, Arizona. Friday November 15, 1907.

Court opened at 9:30 o'clock, A.M.

Present: Honorable Edward Kent, Chief Justice.
" ~~Richard E. Sloan, Associate Justice.~~
" Fletcher M. Doan, Associate Justice.
" Frederick S. Nave " "
F. A. Tuttle Jr., Clerk
M. H. Calderwood, Crier.
Bailiff.

The following business was transacted.

No. 917. ✓

M. J. Nugent,
Appellant,
vs.
John Stoffels,
Appellee.

At this day comes Mr. Thos. Armstrong, Jr., attorney for appellee herein, in open court and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court.

No. 1015. ✓

Epes Randolph,
Appellant,
vs.
Lycurgus Lindsay,
Appellee.

The Motion to Dismiss Motion for Re-hearing, filed herein by Appellee, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be and the same is hereby granted.

2204

Nov. 15. '07

It is ordered that this court stand adjourned sine die.

Edward Kent
Chief Justice.

Supreme Court, } Regular January Term A.D. 1908.
Territory of Arizona. } Phoenix, Arizona. Monday January 13, 1908.
Court opened at 10 o'clock A.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell. " "
" Frederick S. Nave, " "
F. A. Gritts, Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.
The following business was transacted:

On motion of Mr. H. L. Pickett, it is ordered that Mr. James E. Kingsbury, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, in open Court, Mr. Kingsbury took the required oaths

On motion of Mr. E. S. Clark, it is ordered that Mr. Philip Gilbaugh, who holds a certificate from the Supreme Court of the State of New York, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, in open Court, Mr. Gilbaugh

took the required oaths.

Comes now Mr. E.S. Clark, and moves that Mr. Jno E. McClelland, who holds a certificate from the Supreme Court of the State of Colorado be admitted to practice in this court upon signing the Roll of Attorneys and taking the oaths prescribed by Chapter 76, Laws of 1907.

Comes now Mr. Wm M. Lovell, and moves that Mr. Attimus A. Yoakey, who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona in and for Pima County be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Comes now Mr. Frank H. Hayford, and moves that Mr. F.E. Curley, who holds a certificate from the Court of Appeals of the State of Kentucky, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Comes now Mr. J.H. Langston, and moves that Mr. Theodore R. Thomas, who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Comes now Mr. E.E. Ellinwood, and moves that Mr. Jared D. Taylor, who holds a certificate from the Supreme Court of the State of Nebraska, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

1. Jan. 13-1908. Report of the Board of Examiners for Admission to the Bar of the Supreme Court of the Territory of Arizona. January Term, 1908.

In the Supreme Court of the Territory of Arizona:

The Board of Examiners for admission to the Bar of this Court respectfully presents to the following report of the examination conducted by them at Phoenix, Arizona, on January 10th and 11th, 1908, and append herewith as a part of this report the list of questions propounded by the Committee and a tabulated statement showing the subjects covered by the questions, and the percentage secured by the applicants on each subject, and the total percentage secured upon all the subjects covered by the list of questions.

In explanation of the system of marking shown upon the tabulated statement herewith attached, the Committee states that there was a total of 100 questions propounded and submitted to the applicants. That the value of each question was, therefore, 1% and the standard of perfection in each subject is therefore 100.

At this session of the committee only one applicant presented himself for examination, viz: Mr. Frank O. Smith, and as shown by the above statement, Mr. Smith answered correctly 99.5 per cent of all the questions hereto attached.

Previous to such examination Mr. Smith presented to this Committee satisfactory evidence of his right to take this examination, and of his fitness in every respect to become a member of the Bar of this Court. We therefore, respectfully recommend that Mr. Frank O. Smith be admitted at this term to practice at the Bar of the Supreme Court of the Territory of Arizona.

This committee further reports that the following named gentlemen, viz: John S. Williams, Charles C. Henderson, and Charles R. Harkins, who

successfully passed the examination for admission to the Bar of this Court at the November Term, 1907, but who at that time had not furnished to the Committee satisfactory evidence of their right to take such examination and their fitness for membership of the Bar of this Court, have since that time furnished this Committee with satisfactory evidence upon all of these points, and we therefore respectfully recommend that the three gentlemen last named be admitted to the Bar of this Court at this present term.

Supplemental to this report this Committee has presented a statement showing the necessary costs and expenses of holding this examination, which statement is herewith submitted to the Chief Justice of the Supreme Court for his approval in accordance with Section 6 Chapter 76 of the Session Laws of 1907.

Respectfully submitted,
Walter Bennett,
George J. Starcamm.

The Report of the Board of Examiners being accepted, the Court ordered that Mr. Frank O. Smith be admitted to practice in this court upon taking the oaths prescribed by Chapter 76 Laws of 1907.

Whereupon, in open court Mr. Smith took the required oaths.

D. C. McRae,
Appellant,
vs.
No. 1043. H. A. Cunningz, et al.,
Appellees.

It is ordered that the Motion to Affirm [illegible]
of the Supreme Court, filed herein by Appellees, [illegible]

1. Jan. 13- 1908.
No. 1044.

J. S. Calmerlee,
Appellant,
-vs-
Elwell Mining Company,
Appellee.

In this cause it is ordered that the Motion to Affirm the Judgment of the lower court, filed by Appellee, be submitted.

No. 1037.

H. C. Green, et al.,
Appellants,
-vs-
Frank H. Hereford,
Appellee.

In this cause it is ordered that the Motion to Affirm the Judgment of the lower court, filed by Appellee, be submitted.

No. 1034.

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
-vs-
The Nogales Coffee Company,
a corporation, et al.,
Defendants in Error.

In this cause it is ordered that the Motion to Withdraw the Reporter's Transcript of Evidence filed in Case No. 1016, H. F. Chenoweth vs. Mrs. F. L. Butterfield et al., be submitted.

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
No. 1034. vs.
The Nogales Copper Company,
a corporation, et al.,
Defendants in Error.

On motion of Mr. Theodore H. Thomas, attorney for Plaintiffs in Error herein, It is ordered that certain papers filed in case No. 1016, Territory vs. Mrs. F. L. Butterfield, et al., may also be filed in this cause.

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
No. 1034. vs.
The Nogales Copper Company,
a corporation, et al.
Defendants in Error.

The Motion filed herein by attorney for Plaintiffs in Error, to withdraw the Reporter's Transcript of Evidence filed in case No. 1016, Territory vs. Mrs. F. L. Butterfield, et al., and to file same in this cause, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same, and being fully advised in the premises: It is ordered that said Motion be, and the same is, hereby granted.

Louis V. Eytinge,
Appellant,
No. 252. vs.
Territory of Arizona,
Respondent.

At this day came E. S. Clark, Attorney General and gives notice that he will, on Wednesday, October 21, 1908, move that the appeal herein be dismissed for failure to file Brief

Jan. 13-1908

No. 1049.

National Bank Register, Company, Appellant,

vs.

J. C. Bradbury, Recorder of Yavapai County, Appellee.

At this day comes Mr. G. G. Norris attorney for Appellant herein, and moves that this cause be placed on the Calander.

Whereupon the Court ordered that said Motion be granted.

No. 1029.

Angelas Diaz de Hansen, et al., Petitioners,

vs.

The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, Respondent.

On motion of Mr. E. E. Ellinwood, attorney for Respondent herein, It is ordered that he be granted leave to file Return to Writ.

No. 1029.

Angelas Diaz de Hansen, et al., Petitioners,

vs.

The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, Respondent.

At this day, on motion of Mr. E. E. Ellinwood, attorney for Respondent herein, It is ordered that he be granted further permission to file Briefs.

No. 1029.

Angelas Diaz de Herrera, et al.,
Petitioners,
vs.
The District Court of the Second Judicial District by the Territory of Arizona, in and for Cochise County,
Respondent.

At this day, it is ordered that the attorney for Petitioners herein be granted ten days in which to file briefs.

No. 1020

The Calumet Consolidated Copper Company,
Appellant,
vs.
J. R. Morse, et al.,
Appellees.

Entered by Mistake
No order by the Court.

No. 1022

The Territory of Arizona at the relation by E. S. Clark, Attorney General,
Plaintiff,
vs.
J. N. Gaines, as Tax Collector of Cochise County in Arizona Territory,
Defendant.

At this day, on motion of E. S. Clark, Attorney General, It is ordered that Plaintiff herein be granted leave to file supplemental brief, copies of Defendant to be served with a copy of said brief.

It is ordered that this Court stand adjourned until tomorrow, January 14th 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1908.
Territory of Arizona. } Phoenix, Arizona. Tuesday, January 14th 1908.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.
The following business was transacted.

On motion made yesterday by Mr. E. S. Clark, It is ordered that Mr. John E. McClelland who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76 Laws of 1907.

Whereupon, in open court, Mr. McClelland took the required oaths.

On motion made yesterday by Mr. W. M. Lovell, It is ordered that Mr. Mercur A. Stanley, who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona over and for Cochise County, be admitted to practice in all the Courts of said Territory, he having taken the oaths

prescribed by Chapter 76, Laws of 1907.

Whereupon, in open Court, Mr. Hawley took the required oaths.

On motion made yesterday by Mr. Frank H. Hufford, It is ordered that Mr. F.E. Cudey, who holds a certificate from the Court of Appeals of the State of Kentucky, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open Court, Mr. Cudey took the required oaths.

On motion made yesterday by Mr. J.H. Langston, It is ordered that Mr. Theodore H. Thomas, who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open Court, Mr. Thomas took the required oaths.

On motion made yesterday by Mr. E.E. Ellwood, It is ordered that Mr. David D. Taylor, who holds a certificate from the Supreme Court of the State of Wisconsin be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open Court, Mr. Taylor took the required oaths.

1. Jan. 14-1908.
No. 1033.

Tomaso Frank, Administratrix of the Estate of Abr. Frank, deceased,
Appellant,
vs.
The Southern Pacific Railroad Company of Arizona, and The Southern Pacific Railroad Company,
Appellees.

In this cause, it is ordered that the Motion to Dismiss the Appeal, filed by Appellees, be submitted.

No. 1009.

James H. Work,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

It is ordered that the Motion to Dismiss Writ of Error, filed herein by Defendant in Error, be submitted.

No. 1019.

The City of Bisbee, a corporation,
Appellant,
vs.
Bell S. Harper, et al.,
Appellees.

In this cause, it is ordered that the Motion to Strike Reporter's Transcript, certain portions of the Abstract of Record, and Affirm the Judgment of the Lower Court, filed by Appellees, be submitted.

The Calumet Consolidated Copper Company,
Appellant,
No. 1020. ✓ vs.
J. R. Moore, et al.,
Appellees.

In this cause, it is ordered that the Motion to Affirm the Judgment of the lower court, filed by Appellees, be submitted.

Tomasa Frank, Administratrix of the Estate of Abe Frank, deceased,
Appellant,
No. 1033. ✓ vs.
The Southern Pacific Railroad Company of Arizona, and The Southern Pacific Railroad Company,
Appellees.

The Motion to Dismiss the appeal, filed herein by appellees having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

✓ It is Ordered that said Motion be granted and the appeal be, and the same is, hereby dismissed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellant herein and Tomasa Frank J. W. Dorrington and H. H. Storey, sureties on Appeal Bond herein, its costs in this court taxed at Eight and 50/100 ($8.50) ——— Dollars, together with its costs in the court below in this cause incurred

No. 1044 ✓

J. S. Palmerlee,
Appellant,
vs.
Elwell Mining Company,
Appellee.

The Motion to Affirm the judgment of the lower court, filed herein by Appellee having been heretofore submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from J. S. Palmerlee, Appellant herein, and John Cook and F. N. Wolcott, sureties on appeal bond herein, ito cots in this court, taxed at thirteen and 95/100 ($13.95) dollars, and ito cots in the court below in this cause incurred.

No. 1043 ✓

D. C. McLane,
Appellant,
vs.
H. A. Cummings, et al.,
Appellees.

The Motion to Affirm the judgment of the lower court, filed herein by Appellees, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellees herein do have and recover of and from D. C. McLane, Appellant herein [illegible] and ito cots of suit taxed at thirteen and

20/100 ($13.20) Dollars, together with their costs in the cause below.

No. 1009.

James H. York,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

The Motion to dismiss the Writ of Error, filed herein by Defendant in Error, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted, and the Writ of Error be, and the same is, hereby dismissed.

It is further ordered, adjudged and decreed, that the Defendant in Error herein, do have and recover of and from James H. York, Plaintiff in Error herein and The American Surety Company of New York, a corporation, surety on Bond on Writ of Error, its costs in this cause, taxed at

Dollars, together with its costs in the court below in this cause incurred.

The Calumet Consolidated
Copper Company,
Appellant,

No. 1020

vs.

J.A. Marr, C.A. Marr, J.M. Burns,
J.H. Foor, and J.C. Frick,
Appellees.

The Motion to Affirm the judgment of the District Court, filed herein by Appellees, having been submitted, and the Court having considered the same, and the Court being fully advised in the premises, it is ordered that said motion be granted, and the judgment

Jan. 14-'08 came and being fully advised in the premises:
It is ordered that said motion be granted, and the judgment of the lower court be, and the same is hereby affirmed, and the appeal herein dismissed for failure to comply with the rules of this court.
It is further ordered, adjudged and decreed, that the Appellees herein, do have and recover of and from The Calumet Consolidated Copper Company, Appellant herein and The Title Guaranty & Surety Company, surety on appeal bond herein, their costs in this court, taxed at eight and 25/100 ($8.25) Dollars, together with their costs in the court below in this cause incurred.

No. 1031 ✓

W. F. Smith and George D. Christy,
Appellants,
vs.
Alexander B. Gitune,
Appellee.

At this day, upon motion of E. O. Bullard, attorney for Appellants herein, and it appearing from the files in this cause that judgment has been satisfied in full, It is Ordered that the appeal be, and the same is, hereby dismissed.

No. 250 ✓

C. C. Craft,
Appellant,
vs.
Territory of Arizona
Respondent.

At this day, on motion of Mr. J. F. Kingsbury attorney for Appellant herein, It is ordered that this cause be continued for the term.
It is further ordered that Appellant have three months within which to file brief.

No. 250 ✓

C. C. Craft,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, upon motion of Mr. J. J. Harrington, attorney for Appellant herein, It is ordered that he be granted permission to withdraw a copy of the Record of the Case.

No. 249. ✓

O. J. Martin,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, upon motion of Mr. D. L. Cunningham attorney for Appellant herein, It is ordered that he be granted twenty days in which to file brief.

It is further ordered that the Attorney General be granted leave to file brief for Respondent.

No. 249 ✓

O. J. Martin,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

2 (2.21)

No. 245. ✓ — Jan. 14. 1908.

H. J. Bruce,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, It is ordered by the court that this cause be submitted on briefs.

No. 248 ✓

Rafael Romero, et al.,
Appellants,
vs.
Territory of Arizona,
Respondent.

At this day, It is ordered by the Court that this cause be submitted on briefs.

✓ It is further ordered that the Attorney General be granted fifteen days in which to file brief for Respondent.

No. 259. ✓

Ygnacio L. Molina,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. A. Buck, it is ordered that Appellant be granted 10 days in which to file brief.

✓ It is further ordered that the Attorney General be granted 15 days in which to file brief of Respondent.

No. 259. Ygnacio L. Robles,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, It is ordered by the Court that this cause be submitted on briefs.

No. 982. Otto H. H. Schley,
Appellant,
vs.
Ed. L. Vail, et al. comprising the Board of Supervisors of Pima County, Territory of Arizona, et al.,
Appellees.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1005. R. N. Leatherwood,
Appellant,
vs.
R. R. Richardson, et al.,
Appellees.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1008. L. J. F. Jaeger,
Appellant,
vs.
Isaac Neeley,
Appellee.

At this day, upon motion of Mr. H. S. Hoopes, attorney for Appellee herein, and by consent of counsel for appellant herein, it is ordered that appellee have leave to file brief.

1. Jan. 14- '08

No. 1008.

L. J. F. Jaeger,
Appellant,
-vs-
Isaac Metcalf,
Appellee.

At this day it is ordered by the Court that this cause be submitted on Briefs.

No. 1017.

May M. Clarke,
Appellant,
vs.
Liberty Mining & Smelting Company, a corporation,
Appellee.

At this day it is ordered by the Court that the hearing of this cause be set for January 23, 1908.

No. 1024.

R. R. Richardson,
Appellant,
vs.
Santiago Sirva, Administrator with Will annexed of the Estate of Frank Ely, deceased,
Appellee.

At this day it is ordered by the Court that this cause be submitted on Briefs.

No. 1026.

Tucson Gas, Electric Light and Power Company, a corporation,
Appellant,
vs.
Mrs. E. E. Goulding,
Appellee.

At this day it is ordered by the Court that

this cause be passed for the present and attorney for Appellant granted leave to file stipulation.

No. 1037. ✓

H. C. Greene, et al.,
Appellants,
vs.
Frank H. Hereford,
Appellee.

At this day, it is ordered by the Court that the hearing of this cause be set for January 22, 1908.

No. 1048. ✓

Fleming Wells Company,
a corporation,
Appellant,
vs.
Frank L. Curtin,
Appellee.

At this day it is ordered by the Court that Appellee be granted 10 days in which to file brief.

It is further ordered that this cause be submitted on briefs.

No. 251. ✓

Giuseppi Russo,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the hearing of this cause be set for January 20, 1908.

Jany 14-'08 Pablo Soto,
Appellant,
No. 258. vs.
Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the hearing of this cause be set for January 20, 1908.

Michael Donohoe,
Appellant,
No. 1010 vs.
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the hearing of this cause be set for January 20, 1908.

F. O. Phillips,
Appellant,
No. 1012. vs.
Hoval A. Smith, et al.,
Appellees.

At this day, it is ordered by the Court that this cause be submitted on briefs.

W. F. Chenoweth,
Appellant,
No. 1016. vs.
Mrs. F. L. Butterfield, et al.,
Appellees.

At this day, it is ordered by the Court that the hearing of this cause be set for January 15, 1908.

No. 1034. ✓

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
vs.
The Nogales Copper Company,
a corporation, et al.,
Defendants in Error.

At this day, it is ordered by the Court that this cause be passed for the day.

No. 1018. ✓

Charles F. Crowell, trading under the firm name of John Drew & Company,
Appellant,
vs.
Tom Davenport, Administrator of the Estate of J. H. Ferris, deceased,
Appellee.

It is ordered by the Court that this cause be submitted on briefs.

No. 1019. ✓

The City of Bisbee,
a corporation,
Appellant,
vs.
Bell S. Haynes, et al.,
Appellees.

At this day, it is ordered by the Court that the hearing of this cause be set for January 18, 1908.

Jan. 14, 1908

No. 1021.

The Copper Bell Mining Company, a corporation of the State of West Virginia, et al.,

Appellants,

vs.

Martin Costello,

Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1023.

The Territory of Arizona at the relation of the Live Stock Sanitary Board of said Territory,

Plaintiff in Error,

vs.

James Kenney and Fred Kenney, partners, doing business under the firm name and style of Kenney Brothers,

Defendants in Error.

At this day, it is ordered by the Court that Plaintiff in Error herein have leave to file briefs.

It is further ordered that Defendants in Error have leave to file briefs.

No. 1023.

The Territory of Arizona at the relation of the Live Stock Sanitary Board of said Territory,

Plaintiff in Error,

vs.

James Kenney and Fred Kenney, partners, doing business under the firm name and style of Kenney Brothers,

Defendants in Error.

At this day, it is ordered by the Court that

this cause be submitted on briefs.

In the Matter of the Estate of
O. J. Delehanty, deceased.

John Arthur Macneby et al.,
Appellants,

No. 1027. vs.

Walter Delehanty,
Appellee.

At this day, it is ordered by the Court that the hearing of this cause be set for January 23, 1908.

A. Sandoval, et al,
Appellants,

No. 1028. vs.

Epres Randolph,
Appellee.

At this day, it is ordered by the Court that the hearing of this cause be set for January 23, 1908.

Angelas Dias de Hansen, et al.,
Petitioners,

No. 1029. vs.

The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County,
Respondent.

At this day, it is ordered by the Court that the Petitioners herein be granted 10 days in which to file brief.

Nov. 14-1908

No. 1038

John D. Richardson, et al.,
Trustees of the Richardson
Roberts Dry Goods Company,
a corporation,
Appellants,

vs.

Henry Mang,
Appellee.

At this day, it is ordered by the Court that the hearing of this cause be set for January 18, 1908.

No. 1040

George Hardiker,
Appellant,

vs.

Ben Rice,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1041

The Green Cattle Company,
a corporation,
Appellant,

vs.

Frank H. Hereford, et al.,
Appellees.

It is ordered by the Court that this cause be passed for the day.

In the Matter of the Black Diamond Copper Mining Company, a corporation, In Bankruptcy. Pablo Soto, Mariano Soto and Charles M. Renaud, co-partners under the firm name of Soto Brothers v. Renaud, et al., Appellants,

No. 1045 ✓ vs.

The Black Diamond Copper Mining Company, a corporation, Appellee.

At this day, it is ordered by the Court that the Appellee herein be granted 20 days on which to file brief. ✓ It is further ordered that the Appellants herein be granted 10 days thereafter in which to file reply brief.

In the Matter of the Black Diamond Copper Mining Company, a corporation, In Bankruptcy. Pablo Soto, Mariano Soto and Charles M. Renaud, co-partners under the firm name of Soto Brothers v. Renaud, et al., Appellants,

No. 1045 ✓ -vs-

The Black Diamond Copper Mining Company, a corporation, Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Daniel Harkins, et al., Appellants,

No. 1047 ✓ vs.

Frank C. Helms, et al., Appellees.

Appeal from [illegible]

Jan. 14, 1908. This cause be submitted on briefs

James C. Storm,
Appellant,
No. 257. vs.
Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Attorney General have until January 20th in which to file brief of Respondent.

James C. Storm,
Appellant
No. 257. vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Lillie S. Gill,
Appellant,
No. 1001. vs.
Manhattan Life Insurance Company,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Grand Canyon Railway Company,
a corporation,
Appellant,

No. 1032. vs.

J.A. Treat, as Treasurer and Ex-Officio
Tax Collector of the County of Coconino,
Territory of Arizona, et al.,
Appellees.

At this day, it is ordered that the hearing of this cause be set for January 15th, 1908.

It is further ordered by the Court that Appellees herein be permitted to file Supplemental Reply Brief by January 15th.

Western Arizona Railway Company,
a corporation,
Appellant,

No. 1036. vs.

Foster L. Dennis, as Treasurer and
Ex-Officio Tax Collector of the County of
Mohave, Territory of Arizona, et al.,
Appellees.

At this day, it is ordered that the hearing of this cause be set for January 15, 1908.

Industrial Building and Loan
Association, a corporation,
Appellant,

No. 1035. vs.

The Inyeu Mut Company,
a corporation, et al.,
Appellees.

At this day, it is ordered that the hearing of this
cause be submitted upon [illegible]

Jan. 14. '08

No. 1035 ✓

Industrial Building and Loan Association, a corporation, Appellant,

vs.

The Myers-Abel Company, a corporation, et al., Appellees.

At this day, it is ordered by the Court that the Appellees herein be granted time in which to file brief.

No. 1039 ✓

H. L. Dooley, Appellant,

vs.

The Burlington Gold Mining Company, Appellee.

At this day, it is ordered by the Court that the Appellee herein be granted until February 1, 1908 in which to file brief.

No. 1039 ✓

H. L. Dooley, Appellant,

vs.

The Burlington Gold Mining Company, Appellee.

At this day, by consent of attorneys, it is ordered by the Court that this cause be continued for the term.

No. 1046.

A. H. Hancock,
Appellant,
vs
C. H. Smith, et al., composing the Board of Supervisors of Yavapai County, Arizona,
Appellees.

At this day, it is ordered by the Court that this cause be submitted on briefs to be filed.

No. 1049.

National Cash Register Company,
Appellant,
vs.
J. C. Bradbury Recorder of Yavapai County,
Appellee.

At this day, it is ordered by the Court that the Appellant herein be granted five days in which to file brief.

It is further ordered by the Court that the Appellee herein be granted five days thereafter in which to file his brief.

No. 1049.

National Cash Register Company,
Appellant,
vs.
J. C. Bradbury Recorder of Yavapai County,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on Briefs.

Jan. 14, '08

No. 1050 ✓

Iram L. Neal,
Appellant,
vs.
H. L. Hayden,
Appellee.

At this day, it is ordered by the Court that this cause be passed for the present.

No. 246 ✓

Tomas Jaime,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Attorney General be granted leave to file Respondent's Brief.

No. 246. ✓

Tomas Jaime,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court, that this cause be submitted on briefs.

No. 247. ✓

Henry Davis,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Attorney General be granted leave to file Respondent's Brief.

No. 247. Henry Davis, Appellant, vs. Territory of Arizona, Respondent.

At this day, it is ordered by the Court, that this cause be submitted on briefs.

No. 253. Cager Edwards, Appellant, vs. Territory of Arizona, Respondent.

At this day, it is ordered by the Court that the Attorney General be granted leave to file Respondent's brief.

No. 253. Cager Edwards, Appellant, vs. Territory of Arizona Respondent.

At this day, it is ordered, by the Court that this cause be submitted on briefs.

No. 254. Lewis Staten Appellant vs. Territory of Arizona, Respondent.

At this day, it is ordered by the Court that the Attorney General be granted leave to file ... on behalf of Respondent.

Jan. 14- '08

No. 254 ✓

Lewis Staten,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on Briefs.

No. 255 ✓

Marcos Perez, et al.,
Appellants,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Attorney General be granted leave to file Brief on behalf of Respondent.

No. 255 ✓

Marcos Perez, et al.,
Appellants,
vs.
Territory of Arizona,
Respondents.

At this day, it is ordered by the Court that this cause be submitted on Briefs.

No. 1011 ✓

William J Mallory, et al.,
Appellants,
vs.
The Globe Boston Copper Mining Company, a corporation, et al.,
Appellees.

At this day, it is ordered by the Court that this cause be submitted on Briefs.

No. 1042 ✓

The City of Globe, a municipal corporation,

Appellant,

vs.

Charles H. Slack,

Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 232. ✓

R. E. Dagger,

Appellant,

vs.

Territory of Arizona,

Respondent.

At this day, it is ordered by the Court that the hearing of this cause be set for January 17th.

No. 244. ✓

S. J. Tribolet,

Appellant,

vs.

United States of America

Respondent.

At this day it is ordered by the Court that the hearing of this cause be set for January 16th.

No. 252 ✓

Lewis T. Eytinge,

Appellant,

vs.

Territory of Arizona,

Respondent.

At this day comes E. S. Clark, Attorney General, and moves the Court that the appeal herein be dismissed for failure of Appellant to file brief.

Jan. 14, '08

No. 252. ✓

Louis V. Eytinge,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the motion to dismiss the appeal herein, made by attorney for Respondent, be and the same is, hereby denied

No. 252. ✓

Louis V. Eytinge,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, upon motion of M. A. C. Baker, attorney for Appellant herein, it is ordered by the Court that the Appellant be granted until October 1908, in which to file Brief.

It is further ordered by the Court that the Attorney General be granted time to file brief on behalf of Respondent.

No. 252. ✓

Louis V. Eytinge,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the name of Mr. Geo. C. Bullard be entered of record of Counsel for Respondent.

No. 256. v

Lee Ford,
Appellant,
vs
United States of America,
Respondent.

At this day it is ordered by the Court that the Appellant herein be granted 10 days time within which to file Brief

No. 256. v

Lee Ford,
Appellant,
vs.
United States of America,
Respondent.

At this day it is ordered by the Court that the Respondent herein be granted 15 days after the filing of Brief by Appellant, in which to file it's Brief.

No. 256 v

Lee Ford,
Appellant,
vs
United States of America,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on Briefs.

No. 1030 v

William Horton,
Appellant,
vs
P. J. McGarry,
Appellee.

This matter by the Court taken under advisement on briefs for reversal.

Jan. 14, '08. Joseph Featherson,
Appellant,
No. 1051. vs.
The Board of Supervisors of Maricopa County, and John C. Greene, et al. members of said Board of Supervisors,
Appellees.

At this day, it is ordered by the Court that the hearing of this cause be set for January 22, 1908.

H. C. Greene, et al.,
Appellants,
No. 1037. vs.
Frank H. Hereford,
Appellee.

At this day, upon motion of Mr. S. L. Patten it is ordered that Appellants herein be granted leave to correct error in their abstract of record.

It is ordered that this Court stand adjourned until to-morrow, January 15, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona, Wednesday January 15, 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle, Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

No. 1037. ✓

W. C. Greene, et al.,
Appellants,
vs.
Frank H. Hereford,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm Judgment of the lower court filed herein by Appellee, and heretofore submitted, be and the same is, hereby denied.

No. 1016. ✓

W. F. Chenoweth,
Appellant,
vs.
Mrs. F. L. Butterfield, et al.,
Appellees.

This cause coming on at this time for hearing, and a Stipulation by and between the parties hereto, that the request for and argument of counsel may be waived, and the cause submitted to the Court for decision, having been filed, it is ordered by the Court that the same be and it is hereby submitted to the Court for decision.

Jan. 15, '08

No. 1016.

W. F. Chauncey,
Appellant,
vs.
Mrs. F. L. Butterfield, et al.,
Appellees.

At this day it is ordered by the Court that the Appellant herein be granted 10 days in which to file reply brief.

No. 1034.

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
vs.
The Nogales Copper Company,
a corporation, et al.,
Defendants in Error.

At this day, upon Stipulation by the parties hereto, it is ordered that Plaintiffs in Error herein have until February 15, 1908, to prepare and file their brief and serve a copy thereof on the Defendants in Error.

It is further ordered that Defendants in Error be granted twenty days after service of the brief of Plaintiffs in Error on them, to prepare and file their brief and answer, and

It is further ordered that Plaintiffs in Error be granted ten days after service upon them of the brief and answer of Defendants in Error to prepare and file their reply brief.

No. 1034.

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
vs.
The Nogales Copper Company
a corporation, et al.,
Defendants in Error.

At this day it is ordered that the Cause

be submitted on briefs.

Mrs. F. L. Butterfield, et al.,
Plaintiffs in Error,
No. 1034 ✓ vs.
The Nogales Copper Company,
a corporation, et al.,
Defendants in Error.

At this day it is ordered by the Court that Plaintiffs in Error herein be allowed to withdraw certain exhibits when filed, for the purpose of copying into the Abstract of Record.

James O. Storm,
Appellant,
No. 257 ✓ vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the order made and entered January 14th, granting Respondent until January 20 to file brief, be vacated and Respondent granted thirty days from January 14, 1908, in which to file brief.

Grand Canyon Railway Company,
a corporation,
Appellant,
No. 1032 ✓ vs.
J. A. Frost, as Treasurer and Ex-Officio
Tax Collector of the County of Coconino,
Territory of Arizona, et al.,
Appellees.

Also coming on to be heard upon motion of [illegible]
[illegible]

Jan. 15-'08 Philip Fillingham, for Appellees, and cause ordered submitted.

Western Arizona Railway Company,
a corporation,
Appellant,

No. 1036 ✓ vs.

Foster S. Dennis, as Treasurer and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. F. J. Norton, for Appellant, and Mr. Edward M. Doe, Mr. Henry F. Ashurst and Mr. Philip Fillingham, for Appellees, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 16th, at 10 o'clock A. M.

Edward Kent
Chief Justice

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona. Thursday, January 16, 1908.

Court opened at 10 o'clock A.M.

Present, Honorable Edward Kent, Chief Justice,
" Richard E. Sloan, Associate Justice,
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gritte Jr., Clerk,
M.H. Calderwood, Crier,
T.J. Duncan, Bailiff.
The following business was transacted,

No. 257. James P. Storer,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, upon motion of attorney for Appellant, it is ordered by the Court, that the order of January 14th, submitting this cause on briefs, be and the same is hereby vacated, and the cause set for oral argument for January 21st, 1908.

No. 1046. A. H. Hancock,
Appellant,
vs.
B.H. Smith, George C. Harrington and W.G. Wingfield, composing the Board of Supervisors of Yavapai County, Arizona,
Appellees.

At this day, upon motion of attorney for Appellant, it is ordered by the Court, that the order of January 14th, submitting this cause on briefs, be and the same is hereby vacated, and the cause set for oral argument for January 21st, 1908.

Jan. 16, '08

No. 1025.

The Territory of Arizona,
Plaintiff,
vs.
The Board of Supervisors of Cochise County, Arizona, composed of H. M. Riggs, et al., as Supervisors of Cochise County, Arizona, et al.,
Defendants.

At this day upon motion of Mr O'Connell it is ordered that his name be entered of record as attorney for Defendants herein.

No. 1244.

S. J. Tribolet,
Appellant,
vs.
United States of America,
Respondent.

This cause coming on for hearing was argued by Mr. Thos. Armstrong Jr., and Mr. Geo. P. Bullard for Appellant, and Mr. J. L. B. Alexander for Respondent, and cause ordered submitted.

No. 1030.

William Walton,
Appellant,
vs.
A. J. McKinney,
Appellee.

This cause coming on at this time for hearing, was argued by Mr. Walter Bennett for Appellant and Mr. E. H. Lewis for Appellee, and cause ordered submitted.

Comes now Mr. F.G. Norris, and moves that Mr. B.F. Adams, who holds a certificate from the Supreme Court of the Territory of New Mexico, be admitted to practice on this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

It is ordered that this Court stand adjourned until to-morrow, January 17th, 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona. Friday January 17, 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent Chief Justice,
" Richard E. Sloan, Associate Justice,
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave. " "

F.A. Gritle Jr., Clerk
M.H. Caldenwood, Crier
T.J. Duncan, Bailiff.

The following business was transacted.

On motion made yesterday by Mr. F.G. Norris It is now ordered that Mr. B.F. Adams who holds a certificate from the Supreme Court of the Territory of New Mexico, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, said Mr. Adams came and the oaths prescribed by

Jan. 17, '08

No. 1025.

The Territory of Arizona,
Plaintiff,

vs.

The Board of Supervisors of
Cochise County, Arizona, composed
of W. M. Riggs, et al., as Supervisors
of Cochise County, Arizona, et al.,
Defendants.

At this day comes E. S. Clark Attorney General, and moves that this cause be set for hearing. Proper service not being shown, it is ordered by the Court that the return of the Sheriff be amended before cause can be set for hearing.

No. 232. ✓

R. E. Daggs,
Appellant,

vs.

Territory of Arizona,
Respondent.

At this time, upon motion of E. S. Clark, Attorney General, it is ordered that he be granted leave to file additional authorities by twelve o'clock M. tomorrow, January 18, 1908.

It is further ordered that J. F. Wilson, attorney for Appellant therein, have permission to file an answer to Respondent's additional authorities if he so desires

No. 232. ✓

R. E. Daggs,
Appellant,

vs.

Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. J. F. Wilson, for Appellant, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 18th, 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona, Saturday January 18, 1908
Court opened at 10 o'clock, A.M.

Present: Honorable Edward Kent, Chief Justice,
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Noyes, " "
F. A. Tuttle Jr., Clerk,
M. H. Calderwood, Crier,
T. J. Duncan, Bailiff
The following business was transacted:

The Territory of Arizona, at the relation of E. S. Clark, Attorney-General,

Plaintiff,

vs.

No. 1022. J. N. Gaines, as Tax Collector of Cochise County, in Arizona Territory,

Defendant.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having duly considered the petition of the Plaintiff, the demurrer and answer of the Defendant, and the demurrer of the Plaintiff to said answer, and the briefs and arguments of counsel, it is ordered that the demurrer of Defendant to the petition herein be, and the same is hereby overruled, and

Jan. 18, '08

the demurrer of the Plaintiff to Defendant's answer be, and the same is hereby, sustained; and that a writ of mandate be granted herein as prayed in Plaintiff's petition.

It is further ordered, adjudged and decreed that Plaintiff recover of and from the Defendant herein, its costs and disbursements, taxed at the sum of forty-four and 90/100 ($44.90) Dollars

No. 1019.

The City of Bisbee, a corporation,
Appellant,
vs.
Belle S. Hargrove, et al.,
Appellees.

This cause coming on at this time for hearing, but the Attorneys for the respective parties hereto, not being present, it is ordered that the cause be passed for the day.

No. 1038.

John D. Richardson, et al.,
Trustees of the Richardson Roberts Dry Goods Company, a corporation,
Appellants,
vs.
Henry Manz,
Appellee.

This cause coming on at this time for hearing, but the Attorneys for the respective parties hereto not being present it is ordered that the cause be passed for the day.

No. 257.

James P. Storm,
Appellant,
vs
Territory of Arizona,
Respondent.

At this day, upon stipulation filed by the parties hereto, it is ordered by the Court that the order made and entered January 16, 1908, setting cause for hearing be vacated, and the cause be and the same is hereby, submitted on briefs.

No. 1046

A. H. Hamer,
Appellant,
vs.
B. H. Smith, et al., composing the Board of Supervisors of Yavapai County, Arizona,
Appellees.

At this day, upon stipulation filed by the parties hereto, it is ordered by the Court that the order made and entered January 16, 1908, setting cause for hearing be vacated, and the cause be and the same is hereby, submitted on briefs.

It is ordered that this Court stand adjourned until Monday, January 20, 1908, at 10 o'clock A. M.

Chief Justice.

Jan. 20, '08 Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona. Monday, January 20, 1908.

Court opened at 10 o'clock A.M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Hare, " "
F.A. Gritle, Jr., Clerk.
M.H. Calderwood, Crier.
T.J. Duncan, Bailiff.

The following business was transacted.

No. 251. Giuseppi Musso, Appellant, vs. Territory of Arizona, Respondent.

This cause coming on at this time for hearing, and the Attorney for the Appellant not being present, upon motion of Mr. Philip Gilbraith for Respondent, it is ordered that this cause be submitted on briefs.

No. 258. Pablo Soto, Appellant, vs. Territory of Arizona, Respondent.

This cause coming on at this time for hearing, and the Attorney for the Appellant not being present, upon motion of Mr. Philip Gilbraith for Respondent, it is ordered that this cause be submitted on briefs

No. 1022.

The Territory of Arizona, at the relation of J. E. S. Clark, Attorney General,
Plaintiff,
vs.
J. N. Gaines, as Tax Collector of Cochise County in Arizona Territory,
Defendant.

At this day, upon petition of the Plaintiff herein, it is ordered by the Court that the Writ of Mandamus prayed for in its Petition on file herein, and by this Court heretofore granted and ordered to be issued, be issued forthwith.

No. 1019

The City of Bisbee, a corporation,
Appellant,
vs.
Belle S. Hargrove, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. Neale for Appellant and Mr. J. E. Morrison for Appellees, and cause ordered submitted.

No. 1019

The City of Bisbee, a corporation,
Appellant,
vs
Belle S. Hargrove, et al.,
Appellees.

At this day, upon motion of Mr. Neale, it is ordered by the Court that the Appellant herein be granted permission to file reply brief.

Jan. 20-'08

No. 1010 ✓

Michael Donohoe,
Appellant,
vs.
El Paso & Southwestern Railroad Company, a corporation
Appellee.

At this day, upon Motion of Mr. John McGowan, it is ordered that the name of Mr. Webster Street be entered of record as of counsel for Appellant herein.

No. 1010 ✓

Michael Donohoe,
Appellant,
vs.
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

This cause coming on for hearing, was argued by Mr. John McGowan and Mr. Webster Street for Appellant, and Mr. E. E. Ellinwood for Appellee, and cause ordered submitted.

No. 1010 ✓

Michael Donohoe,
Appellant,
vs.
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

At this day, upon motion of Mr. John McGowan, attorneys for Appellee consenting, it is ordered by the Court that Appellant herein be allowed to file the Reporter's Transcript of Evidence in this cause, after being approved by Mr. Justice Dean, who tried the case in the lower Court.

It is ordered that this Court stand adjourned until Tuesday, January 21, 1908, at 10 o'clock A.M.

Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona, Tuesday, January 21, 1908.

Court opened at 10 o'clock A.M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
F. A. Gritle Jr., Clerk
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

Angelas Dias de Hanson, et al.,
Petitioners,

No. 1029. vs.

The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County,
Respondent.

At this day, upon motion of Mr. W.G. Cleary, it is ordered by the Court that this cause be submitted on Briefs.

Jan. 21- '08

No. 1038.

John D. Richardson, et al., Trustees of the Richardson-Roberts Dry Goods Company, a corporation,
Appellants,
vs.
Henry Manz,
Appellee.

This cause coming on at this time for hearing, was argued by Mr. H. B. Cleary for Appellants and by Mr. Geo. H. Neale for Appellee, and cause ordered submitted.

The Board of Examiners having heretofore reported favorable upon the examination of Mr. Charles C. Andrew, and he having furnished satisfactory evidence of his right to take the examination, it is ordered by the Court that he be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open Court, Mr. Andrew took the required oaths.

No. 1017.

May M. Clark,
Appellant,
vs.
Liberty Mining and Smelting Company, a corporation,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Eugene S. Ives for Appellant and by Mr. S. L. Kingdon for Appellee, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 22, 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1908
Territory of Arizona. } Phoenix, Arizona, Wednesday, January 22, 1908

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gritte Jr., Clerk
M.H. Calderwood, Crier,
F.J. Duncan, Bailiff.
and the following business was transacted.

In the Matter of the account of the Clerk of this Court for jurors for Quarter ended December 31, 1907.

Whereas, F.A. Gritte Jr., Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account of his official services from the 1st day of October, 1907, to and including the 31st day of December, 1907, with the items thereof, in the presence of the United States District Attorney, and has, by his oath attached to the account, proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as stated, and whereas said charges above [illegible]

Jan. 22, 08

said account, amounting to Fifty-three and fifty one hundredths dollars ($53.50), be, and the same is hereby approved.

It is hereby certified that upon each day for which a per diem is charged in this account the court was opened for business and the Justice present and presiding, as appears from the Certificate of the presiding Justice.

The Green Cattle Company, a corporation,
Appellant,
vs.
No. 1041 ✓
Frank H. Hereford, et al.,
Appellees.

At this day, upon motion of Mr. E. S. Ives, attorney for Appellant, attorney for Appellees consenting, it is ordered that this cause be submitted on briefs, Appellee to have the time allowed by law in which to file brief, and also granted permission to refer to briefs on file.

No. 1037. ✓

H. C. Greene, et al.,
Appellants,
vs.
Frank H. Hereford,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Eugene S. Ives for Appellants, and Mr. Frank H. Hereford for Appellee, and cause ordered submitted.

No. 1051

Joseph Thalheimer,
Appellant,
vs.
The Board of Supervisors of Maricopa County, and John O. Orme, et al., members of said Board of Supervisors,
Appellees.

At this day comes H. H. Stilwell, attorney for Appellant, and asks that the appeal herein be heard by the full bench.

No. 1051 ✓

Joseph Thalheimer,
Appellant,
vs.
The Board of Supervisors of Maricopa County, and John O. Orme, et al., members of said Board of Supervisors,
Appellees.

This cause coming on at this time for hearing, Chief Justice Kent not sitting, was argued by Mr. H. H. Stilwell for Appellant and Mr. Geo. P. Bullard for Appellee, and cause ordered submitted.

Jan. 22-08 It is ordered that this Court stand adjourned until tomorrow, January 23, 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona, Thursday, January 23, 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle Jr., Clerk
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.
and the following business was transacted-

The Board of Examiners having heretofore reported favorable upon the examination of Mr. Charles M. Holmes, and he having furnished satisfactory evidence of his right to take the examination, it is ordered that he be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, Mr. Holmes took the required oaths.

No. 1028. A. Sandoval, et al., Appellants, vs. Epes Randolph, Appellee.

At this day, upon motion of Mr. A. Ogilvie, it is ordered that Mr. Henry S. VanDyke be entered as of counsel for Appellants herein.

No. 1028. A. Sandoval, et al., Appellants, vs. Epes Randolph, Appellee.

At this day, upon motion of Mr. A. Ogilvie attorney for Appellants herein, it is ordered that he be granted ten days from January 24, 1908 in which to file reply brief, with leave to Mr. E. S. Ives, attorney for Appellee to file answer to Appellants' reply brief if he so desires.

No. 1028. A. Sandoval, et al., Appellants, vs. Epes Randolph, Appellee.

This cause coming on at this time for hearing, was argued by Mr. E. S. Ives, for Appellee, and cause ordered submitted.

Jan. 23, '08.

No. 257.

James O. Storm,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of attorney for Appellant, it is ordered that he have ten days in which to file reply brief.

No. 1026.

Tucson Gas, Electric Light and Power Company, a corporation,
Appellant,
vs.
Mrs. E. E. Goulding,
Appellee.

At this day, it is ordered by the Court that the appeal herein be, and the same is hereby, dismissed, for want of prosecution.

It is ordered that this Court stand adjourned until Monday, March 23, 1908, at 10 o'clock A. M.

Chief Justice.

Supreme Court, } January Term, A.D. 1908
Territory of Arizona. } Phoenix, Arizona, Monday, March 23, 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "

F.A. Tritle Jr., Clerk.
M.H. Calderwood, Crier,
T.J. Duncan, Bailiff.

and the following business was transacted.

No. 1009. ✓

James H. Work,
Plaintiff in Error,
-vs-
The United Globe Mines,
a corporation,
Defendant in Error.

It is ordered that the motion for re-hearing and oral argument, filed herein by Plaintiff in Error, be submitted.

No. 1020 ✓

The Calumet Consolidated Copper Company,
Appellant,
-vs-
J.R. Morri, et al,
Appellees.

It is ordered that the Motion to re-instate this cause, filed herein by Appellant, be submitted.

March 23-'08

No. 1025

Territory of Arizona,
Plaintiff,
vs.
The Board of Supervisors of
Cochise County, Arizona com-
posed of W. M. Riggs, et al., as
Supervisors of Cochise County,
Arizona, et al.,
Defendants.

On motion of Mr. J. M. O'Connell, attorney for Defendants herein, It is ordered that this cause be submitted.

No. 1046.

A. H. Hammer,
Appellant,
vs.
E. H. Smith, et al., comprising
the Board of Supervisors of
Yavapai County, Arizona,
Appellees.

On motion of Mr. E. S. Clark, attorney for Appellees herein, It is ordered that Appellees be granted leave to attach an additional para-graph to their brief.

No. 1025.

Territory of Arizona,
Plaintiff,
vs.
The Board of Supervisors of
Cochise County, Arizona, com-
posed of W. M. Riggs, et al., as
Supervisors of Cochise County,
Arizona, et al.,
Defendants.

Although this cause having been sub-mitted, Mr. J. M. O'Connell moved

granted permission to make a short argument.
On motion of Mr. E. S. Clark, it was ordered that Plaintiff be granted leave to file brief.

It is ordered that this Court stand adjourned until Friday, March 27, 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona. Friday, March 27, 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
F. A. Fritts Jr., Clerk.
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.
and the following business was transacted.

R. E. Daggs,
Appellant,
vs.
No. 232. Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed,

Feb. 27-08 the Appellant discharged, and that the appeal herein be exonerated.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the County of Maricopa, Territory of Arizona, his costs in this cause, taxed at One Hundred Twenty-seven and 30/100 ($127.30) Dollars, together with his costs in the Court below in this cause incurred.

No. 256.

Lee Ford,
Appellant,
vs.
United States of America,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is, hereby reversed and the Appellant discharged.

No. 257.

James P. Storm,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

No. 259.

Ygnacio L. Molina,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

No. 1001.

Lillie S. Gill,
Appellant,
vs.
Manhattan Life Insurance Company,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from Lillie S. Gill, Appellant herein and Edward Earle and Geo. H. N. Rubin, sureties on appeal bond herein, its costs in this court, taxed at thirty-two and 20/100 ($32.20) Dollars, together with its costs in the court below in this cause incurred.

Mch 27-08.

No. 1012.

G. O. Phillips,
Appellant,
vs.
Horal A Smith and
Martin Castells,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the District Court be, and the same is hereby reversed with direction to that Court to overrule the demurrer to the complaint to the end that further proceedings may be had not inconsistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that G. O. Phillips, Appellant herein, do have and recover of and from Horal A Smith and Martin Castells, Appellees herein, his costs in this cause, taxed at seventy-one ($71.00) dollars.

No. 1017.

May M. Clark,
Appellant,
vs.
Liberty Mining and Smelting
Company, a corporation,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:
It is ordered that the judgment of the District Court be, and the same is hereby affirmed.
It is further ordered, adjudged and

decreed that the Appellee herein do have and recover of and from Mary M. Clark, Appellant herein, and J. Knox Corbett and Albert Steinfeld, sureties on Supersedeas Bond, its costs in this court, taxed at thirty-four and 70/100 ($34.70) dollars, together with its costs in the court below in this cause incurred, taxed at five hundred forty-eight and 40/100 ($548.40) dollars.

The Territory of Arizona at the relation of the Live Stock Sanitary Board of said Territory,

Plaintiff in Error,

No. 1023. vs.

James Kenney and Fred Kenney, partners, doing business under the firm name and style of Kenney Brothers,

Defendants in Error.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Defendants in Error herein do have and recover of and from the Plaintiff in Error herein, their costs in this court, taxed at

together with

their costs in the court below in this cause incurred, taxed at One and 35/100 ($1.35) Dollars.

Mch. 27 08

No. 1029.

Angelas Diaz de Hansen and Peter C. Hansen, his husband, F. J. Hogan, and Kurt Von Staufen,
Petitioners,

vs.

The District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having fully considered the petition of the Petitioners and the Demurrer of the Respondent, together with the briefs of counsel: It is ordered that the demurrer of Respondent to the Petition herein, be and the same is, hereby overruled, and the Order of the District Court granting immediate possession, be, and the same is, hereby annulled.

John W. Richardson, Frank N. Downs, Nathan F. Murphy, Charles D. Kemper, and Thomas H. Gayon, Trustees of the Richardson-Roberts Dry Goods Company, a corporation,
Appellants,

No. 1038.

vs.

R. H. Wren, Bert Wren, Manly Wren, Ella M. Wren, Charles F. Wren, Henry Mann, John Doe and Richard Roe,
Appellees.

This cause having been heretofore submitted and by the Court taken under

advisement, and the Court having considered the same and being fully advised in the premises: and being of the opinion that the Appellants are entitled to the foreclosure of their mortgage upon the property in question, and that the trial court in holding to the contrary was in error; It is ordered that this cause be, and the same is, hereby remanded to the District Court with instruction to that court to enter a decree of foreclosure as prayed.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from the Appellees herein their costs in this court, taxed at One hundred twenty and 25/100 ($120.25) Dollars, together with their costs in the District Court in this cause incurred.

In the Matter of The Black Diamond Copper Mining Company, a corporation,
Bankrupt.
Pablo Sols, Mariano Sols and Charles M. Renard, co-partners under the firm name of Sols Brothers & Renard, and Albert Steinfeld & Company,
Appellants,
vs.
The Black Diamond Copper Mining Company, a corporation,
Appellee.

No. 1045

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises;
It is ordered that the judgment of the District Court be and the same is hereby affirmed.
It is further ordered, adjudged and decreed that the Appellee [illegible]

Mch. 27-08 The Appellants herein and F. N. Holcott and P. B. Hancock, sureties on Appeal Bond herein, ito. costs in this cause taxed at thirty-two and 25/100 ($32.25) Dollars, together with ito costs in the said Court herein incurred.

No. 1046 A. H. Hancock,
Appellant,
vs.
B. H. Smith, George P. Harrington, and W. G. Wingfield, composing the Board of Supervisors of Yavapai County, Arizona,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the cause, and being fully advised in the premises:

It is Ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from A. H. Hancock, Appellant herein, and Ell S. Perkins and Peter Meade, sureties on appeal bond herein, their costs in this court, taxed at seventy eight and 5/100 ($28.05) Dollars, together with their costs in the District Court in this cause incurred

No. 247. ✓

Henry David,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises, It is ordered that the judgment of the District Court be, and the cause is, hereby affirmed.

No. 251. ✓

Giuseppi Musso,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises; It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

No. 244. ✓

S. J. Tribolet,
Appellant,
vs.
United States of America,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises, It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

Feb. 27. 08 and the same is, hereby affirmed.

No. 1010. Michael Donohoe,
Appellant,
vs.
El Paso & Southwestern Railroad
Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Michael Donohoe, Appellant herein, and H.C. Bunker and R.F. Calder, sureties on appeal bond herein, its costs in this court, taxed at twenty-one and 10/100 ($21.10) Dollars, together with its costs in the court below in this cause incurred.

No. 1027. In the Matter of the Estate of P.J. Delehanty, deceased.
John Arthur Macaneny and
Alexander Kerr McEntire,
Appellants,
vs.
Walter Delehanty,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement,

the Court having considered the cause and being fully advised in the premises: It is ordered that the judgment of the District Court be and the cause is, hereby reversed and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from Walter Delehanty, Appellee herein, their costs in this court, taxed at eighty-six and 7/100 ($86.07) dollars,

Industrial Building and Loan Association, a corporation,
Appellant,

No. 1035. vs.

The Myers-Abel Company, a corporation, John Downs, Martha Downs, Benjamin Downs, and A.J. Bromfield and George H. Adams, Trustees, and F.H. Nelson, Trustee,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby reversed, and the cause remanded with directions to set aside the judgments in cause No. 127, and to take such further proceedings as are equitable.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, its costs in this Court, taxed at Two Hundred ninety-three and 60/100 ($293.60) Dollars, together with its costs in the District Court and this cause proceeded.

March 27, 1908

No. 10421

The City of Globe, a municipal corporation,

Appellant,

vs.

Charles H. Slack,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, and being of the opinion that it was not necessary and proper, for the trial court to adjudge that Appellee is entitled to the exclusive possession of the tract of land in controversy: It is ordered that the judgment of the district court be, and the same is hereby modified by striking out that portion of it, and as so modified is affirmed.

It is further ordered, adjudged and decreed that

No. 1051

Joseph Thalheimer,
Appellant,
vs.
The Board of Supervisors of Maricopa County, and John C. Orme, Leo M. Hoyle, and C. S. Steward, Members of said Board of Supervisors,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Joseph Thalheimer, Appellant herein, and Pierce W. Butler and Hans Harlick, sureties on appeal bond herein, their costs in this court, taxed at twenty and 25/100 ($20.25) Dollars, together with their costs in the court below in this cause incurred.

No. 246.

Tomas Jaime,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the lower court be, and the same is, hereby affirmed.

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No. 255.

Marcos Cruz and Eugenio Arias,
Appellants,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby reversed, and the cause remanded for a new trial.

No. 991.

P. L. Sherman and D. H. Pinney,
Appellants,
vs.
Libbie Goodwin,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from P. L. Sherman and D. H. Pinney, Appellants herein, and Wm L. Pinney and John F. Dennis, sureties on appeal bond herein, her costs in this cause taxed in the sum of fifty-nine and 75/100 ($59.75) Dollars, together with her costs in the court below in this cause incurred.

No. 1048.

Flowing Wells Company,
a corporation,
Appellant,

vs.

Frank L. Corbin,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be, and the same is hereby reversed, and the cause remanded with instructions to overrule the demurrer, and for such further proceedings as are consistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from Frank L. Corbin, Appellee herein, its costs in this court, taxed at fifty-four and 75/100 ($54.75) Dollars, together with its costs in the court below in this cause incurred.

No. 982.

Otto H. H. Schley,
Appellant,

vs.

Ed. L. Vail, Phillip Hughes, and C. F. Richardson, composing the Board of Supervisors of Pima County, Territory of Arizona, and F. G. Clark,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, [illegible]

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It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Otto H. H. Schley, Appellant herein, and H. Benhoman and F. J. Villaverna, Curetius on appeal bond herein, their costs in this cause, taxed at thirty-four and 20/100 ($34.20) —— Dollars, together with their costs in the said bond in this cause incurred, taxed at the sum of Seven and 85/100 ($7.85) Dollars.

Grand Canon Railroad Company,
a corporation,
Appellant,

No. 1032.

vs.

J. R. Grat, as Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, and the County of Coconino, Territory of Arizona, a municipal corporation,
Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the lower court be, and the same is hereby reversed, and the cause remanded with instructions to the District Court to overrule the demurrer to the complaint, and take such further proceedings as are not inconsistent with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, its costs in this behalf, taxed at One Hundred sixty and 04/100 ($160.04) Dollars.

No. 1028.

A. Sandoval and C. Sandoval,
Appellants,
vs.
Epes Randolph,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from A. Sandoval and C. Sandoval, Appellants herein, and United States Fidelity and Guaranty Company of Baltimore, Maryland, surety on Supersedeas Bond the sum of ten thousand five hundred twenty-eight and 33/100 ($10,528.33) Dollars with interest thereon at the rate of six per cent (6%) per annum from April 12, 1907 until paid.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein, A. Sandoval and C. Sandoval, and Anton Apots and Wm. Schuckmann, sureties on Cost Bond herein, his costs in this cause taxed at thirty-seven and 10/100 ($37.10) dollars, together with his costs in the court below in this cause incurred.

No. 1036.

Western Arizona Railway Company, a corporation,
Appellant,
vs.
Peter S. Dennis, Grantor and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, and the County of Mohave, Territory of Arizona, a municipal corporation,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and

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Being fully advised in the premises:
It is Ordered that the judgment of the lower court be, and the same is, hereby reversed, with directions to the District Court to overrule the demurrer to the complaint

It is further ordered, adjudged and decreed that the Appellant herein, Western Arizona Railway Company, do have and recover of and from the Appellees herein, its costs in this court, taxed at One Hundred Four and 19/100 ($104.19) Dollars, together with its costs in the court below in this cause incurred.

Accrued costs $5.85

H. C. Greene and The Greene Cattle Company, a corporation,
Appellants,

No. 1037. vs.

Frank H. Hereford,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from H. C. Greene and The Greene Cattle Company, a corporation, Appellants herein, and Epes Randolph and Alfred S. Doran, sureties on Supersedeas Bond herein, the sum of Fifteen Thousand Six Hundred Twenty-Three and 70/100 ($15,623.70) Dollars with interest thereon at the rate of six (6) per cent per annum from June 14th, 1907, until paid, together with his costs and disbursements

taxed at forty-one and 65/100 ($41.65) Dollars.

No. 252. ✓

Cager Edwards,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

No. 258. ✓

Pablo Soto,
Appellant,
vs.
The Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

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No. 1008 ✓

L. J. F. Jaeger,
Appellant,
vs.
Isaac Metcalf,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby reversed, and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant therein do have and recover of and from Isaac Metcalf, Appellee herein, his costs in this cause, taxed at one hundred thirty-five and 35/100 ($135.35) dollars.

No. 1016 ✓

W. F. Chenoweth,
Appellant,
vs.
Mrs. F. L. Butterfield, and
Chas. Dougherty,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the ~~personal~~ judgment entered by the District Court against Appellant be, and the same is hereby vacated, and as this appeal is limited in its scope to such personal judgment this order is not to be construed as other wise affecting the general judgment for the defendants, and as otherwise disposing of any appeal taken, on writ of error and supersedeas.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from Mrs. F. L. Butterfield, and Chas. Dougherty, Appellees herein, his costs in this cause in this cause incurred, taxed at two hundred forty-five and 95/100 ($245.95) dollars.

No. 1018.

Charles L. Crowell,
Appellant,
-vs-
Tom Davenport, Administrator of the estate of J. H. Ferris, deceased,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby reversed.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellee herein, his costs in this court, taxed at fifty-one ($51.00) Dollars, together with his costs in the court below in this cause incurred.

No. 1024.

R. R. Richardson,
Appellant,
-vs-
Santiago Sinca, Administrator with the Will Annexed of the Estate of Frank Ely, deceased,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court [illegible]

Mch. 27- 08. fully advised in the premises: It is ordered that the judgment of the District Court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from A.R. Richardson, appellant herein and E.L. Wail and John Metz, sureties on Appeal Bond herein, his costs in this court, taxed at thirty-two and 60/100 ($32.60) Dollars, together with his costs in the court below in this cause incurred.

William Walton,
Appellant,
vs.
No. 1030 / P.J. McKinney,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below, be and the same is, hereby reversed, and that Appellee, P.J. McKinney, within thirty days from the entry of judgment herein, duly execute, acknowledge and deliver to Appellant, William Walton, his warranty deed to the premises and property described in the complaint upon the payment by said Walton to said McKinney of the sum of $3,500, with interest thereon at the rate of six per cent per annum from May first, 1906, to the date of this judgment, and that in case said Walton should refuse, neglect or decline to make such payment within said date that the appellee, McKinney, have prosecution of said writ.

It is further ordered, adjudged and decreed

that the Appellant herein do have and recover of and from O. J. McKinney, Appellee herein, his costs in this court, taxed all
together with his costs in the court below in this cause incurred.

Mrs. F. L. Butterfield and
Charles Dougherty,
Plaintiffs in Error,

No. 1034 ✓

-vs-

The Nogales Copper Company, a corporation,
The Cerro Prieto Mining Company, a corporation,
H. H. Chenoweth, W. J. Stuart, the Banco
del Oro Mining Company, The Black
Mountain Mining Company, William
Grace, Trustee, and Carl Brown, trustee,
Defendants in Error.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises; It is ordered that the general judgment of the District Court be, and the same is, hereby affirmed save and except that part of it sustaining to the general judgment against W. F. Chenoweth which will stand unless reversed or modified upon his appeal.

✓ It is further ordered, adjudged and decreed that the Defendants in Error herein do have and recover of and from Mrs. F. L. Butterfield and Charles Dougherty, Plaintiffs in Error herein, and the National Surety Company, surety on bond herein, their costs in this court, taxed at Forty-six and 50/100 ($46.50) Dollars, together with their costs in the court below in this cause incurred

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No. 1041.

Grucne Cattle Company,
a corporation,
Appellant,
vs.
Frank H. Hereford and
Adeline A. Hereford, his wife,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby reversed and the cause remanded for further proceedings in keeping with the opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein its costs in this court in this cause incurred, taxed at fifty-two and 55/100 ($52.55) Dollars.

No. 1020

The Calumet Consolidated
Copper Company,
Appellant,
vs.
J. R. Mors, et al.,
Appellees.

It is ordered that the Motion to Re-instate this cause, filed herein by Appellant and heretofore submitted, be, and the same is, hereby denied.

No. 245 ✓

H. J. Grow,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgement of the District Court be, and the same is, hereby affirmed.

No. 248. ✓

Rafael Romero, and
Nicholas Chavez,
Appellants,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

No. 249. ✓

O. J. Martin,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

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District Court be, and the same is, hereby affirmed.

No. 254.

Lewis Staten,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be, and the same is, hereby affirmed.

No. 1005.

R. N. Leatherwood,
Appellant
vs.
R. R. Richardson, and
David Allen,
Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, do take and recover of and from R. N. Leatherwood, Appellant herein, the Title Guaranty and Trust Company of Scranton, Penn. their costs in this cause taxed at, together with their costs in the lower court herein incurred.

No. 1011.

William J. Mallory and
Nellie Mallory,
Appellants,
vs.
The Globe-Boston Copper Mining Company, a corporation, and The Globe-Consolidated Copper Company, a corporation,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from William J. Mallory and Nellie Mallory, Appellants herein and O.C. Ashuton and William Ryan, sureties on appeal bond herein, their costs in this court, taxed at thirty-six and 50/100 ($36.50) dollars, together with their costs in the court below in this cause incurred.

No. 1019.

The City of Butte, a corporation,
Appellant,
vs.
Bell S. Hargrave, and
Wm L. Hargrave, her husband,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, it is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered that the appellees herein do have and recover of

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that the Appellees herein do have and recover of and from the City of Baker, a corporation, Appellant herein and The United States Fidelity and Guaranty Company of Baltimore, Maryland, surety on appeal bond herein, the sum of Eight Thousand Seven Hundred ($8,700.00) Dollars, and their costs in the lower court, taxed at the sum of One Hundred thirty-five and 25/100 ($135.25) Dollars, with interest thereon at the rate of six per cent (6%) per annum from the 21st day of June, 1906 until paid, together with their costs in this cause, taxed at Thirty-four and 45/100 ($34.45) Dollars.

The Corpus Belle Mining Company, a corporation of the State of West Virginia, and The Corpus Belle Mining Company of Arizona, a corporation of the Territory of Arizona,

Appellants,

vs.

No. 1021 ✓

Martin Costello,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby modified insofar as it adjudges the defendants to be indebted to the plaintiff in the sum of Three thousand five hundred twenty-three and 7/100 ($3,523.07) Dollars, or any other sum, upon the second cause of action set forth in the complaint, or provides for a foreclosure of the mortgage to satisfy the same, without prejudice to the plaintiff to enforce such rights as he may have thereunder. In all other respects, the judgment is affirmed.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from Martin Costello, Appellee herein, its

costs in this court in this cause, taxed at three hundred five and 60/100 ($305.60) Dollars. Accrued costs $8.10

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from The Copper Belle Mining Company, a corporation of the State of West Virginia, ~~The Copper Belle Mining Company of~~ ~~[illegible] City of~~ one of the Appellants herein, and H. H. Brophy and E. O. Mason, sureties on Supersedeas Bond, the sum of twenty-one thousand four hundred twenty-two and 44/100 ($21,422.44) Dollars, being the amount found to be due on his first cause of action, his costs in the District Court and attorneys fees, with interest thereon from the 12th day of January 1907, until paid, at the rate of 6% per annum,

No. 1040

George Hardiker,
Appellant,
vs.
Ben Rice,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from George Hardiker, Appellant herein, and C. A. Crockett and H. R. Henry, sureties on appeal bond herein, his costs in this court, taxed at Twenty-seven and 50/100 ($29.50) Dollars, together with his costs in the District Court in this cause incurred.

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No. 1047.

Daniel Hankins, and
E. G. Riley,
Appellants,
vs.
Frank O. Helms, C. C. Hight,
and Henry Mayer,
Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered adjudged and decreed that the Appellees herein do have and recover of and from Daniel Hankins and E. G. Riley, Appellants herein and M. J. Cunningham and L. C. Shattuck, sureties on Appeal Bond, their costs in this cause, taxed at twenty-five ($25.00) Dollars, together with their costs in the court below in this cause incurred.

No. 1049.

National Cash Register Company,
Appellant,
vs.
J. C. Bradbury, Recorder of
Yavapai County,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is hereby reversed and the cause remanded for further proceedings not in conformity with the opinion

rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellee herein, its costs in this cause taxed at fifty three and 40/100 ($53.40) dollars, together with its costs in the cause incurred.

James H. Hawkins,
Plaintiff in Error,
vs.
No. 1009. The United Globe Mines,
a corporation,
Defendant in Error.

The Petition for Re-hearing and Application for oral argument of the Petition for Re-hearing, filed herein by Plaintiff in Error, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises: It is ordered that said Application be granted and oral argument be heard in May.

On motion of Mr. J. F. Wilson, it is ordered that Mr. John H. Ross, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1901. Whereupon, in open Court, Mr. Ross took the required oath.

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No. 1054.

Edward H. Duffield,
Petitioner,
vs.
Henry F. Hebard, as District Attorney of Cochise County, Arizona Territory,
Respondent.

On motion of Mr. Paul Eaton, Attorney for Petitioner herein, It is ordered that he be granted leave to file amended Petition within five days. It is further ordered that this cause be continued until May.

No. 1039.

H. L. Dooley,
Appellant,
vs.
The Burlington Gold Mining Company,
Appellee.

On motion of Mr. G. E. Navin, Attorney for Appellee herein, it is ordered that this cause be submitted on briefs.

No. 1039.

H. L. Dooley,
Appellant,
vs.
The Burlington Gold Mining Company,
Appellee.

In this cause it is ordered that the Appellant be granted thirty days in which to file Brief. It is further ordered that the Appellee be granted thirty days thereafter in which to file its Brief, and It is further ordered that the Appellant be granted fifteen days after the filing of

Appeallee's brief was ordered to be received.

The Augusta Powder Company,
Limited, a corporation,
Appellant,

No. 1052. vs.

William Allen Gillespie,
Appellee.

On motion of Mr. Walter Bennett, attorney for Appellant herein, it is ordered that the Petition for Suspension of Judgment be heard this afternoon at 2:30 o'clock.

The Calumet Consolidated
Copper Company,
Appellant,

No. 1020. vs.

J. P. Mayer, et al.,
Appellees.

At this day came Mr. C. C. Lyons for appellant herein, in open court and gives notice of appeal to the Supreme Court of the United States from the judgment of this court.

The Calumet Consolidated
Copper Company,
Appellant,

No. 1020. vs.

J. P. Mayer, et al.,
Appellees.

Upon consideration of Mr. C. C. Lyons's petition herein, it is ordered that the amount of bond on appeal be fixed in the sum of One Thousand ($1,000.00) Dollars.

Mch. 27-08 Court took a recess until 2:30 o'clock this afternoon.

Court re-convened at 2:30 o'clock P.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
and the clerk.
The following business was transacted.

The Arizona Copper Company Limited, a corporation,
Appellant,
vs.
No. 1052 William Allen Gillespie,
Appellee.

The Petition for Suspension of Judgment coming on at this time for hearing was argued by Mr. Walter Bennett for Appellant and by Mr. Thos. Armstrong Jr. and Mr. E. H. Lewis for Appellee, and it appearing to this Court that the District Court of Graham County, Arizona, by its judgment in this cause rendered on the 5th day of November, 1907, did order and adjudge that the defendant, The Arizona Copper Company Limited, its agents, servants and attorneys, be perpetually enjoined and restrained from in any wise hereafter in any manner depositing or suffering, or permitting to be deposited, or discharging or permitting to flow into the waters of the Gila River, or into the San Francisco River, or Chase Creek, in such manner that they may be carried into or enter into the waters of the Gila River, any slimes, slickings or tailings, and in order that the appellant herein might bring the record and judgment

in said cause before this court and have the cause reviewed by this court before the said judgment should go into operation and effect, did further order that the said judgment should become operative May 1st, A.D. 1908, and not prior thereto.

And it satisfactorily appearing to this court that the appellant in this cause has made diligent efforts to get this case before this court, and to have the record thereof reviewed by this court at the January, 1908 term thereof, and that the said appellant has been unable to do so because of the failure and inability of the court reporter of said Graham County to transcribe his notes of the oral testimony taken in said cause.

And it further appearing to the court that since the commencement of this action in the District Court of Graham County, Arizona, the appellant, The Arizona Copper Company, Limited, has made diligent efforts to co-operate its plant and its concentrating works as to largely decrease the amount of waste material from its works finding its way into the waters of said Gila River, and that the plaintiff did not suffer irreparable damage by a suspension of the operation of said judgment until this cause can be reviewed by this court, and that if the judgment of said Graham County District Court should become operative before this cause can be reviewed by this court, the appellant would suffer large financial damage, and a large number of persons and their dependents would be detrimentally and seriously affected thereby.

And it further appearing that it is [illegible] and necessary to the doing of justice herein [illegible] to restrain and [illegible]

Mch 27- '08

determined by this court, or until further or otherwise ordered.

Now, Therefore, it is hereby ordered that the prayer of the appellant's petition herein be, and the same is hereby granted and that the operation of the judgment of the District Court of Graham County, Arizona, in said cause be, and hereby is, arrested and suspended until this appeal is finally determined, or until the further order of this court.

It is further ordered that as a condition of the granting of this order, The Arizona Copper Company, Limited, the appellant herein, continue to use due efforts and means to minimize the amount of its waste material finding its way into the Gila River as it is now using, and was being used at the time of the rendition of said judgment, and that in addition thereto it shall execute a bond to the plaintiff and appellee herein in the sum of $20,000. conditioned for the payment to said appellee of all damages which he may suffer by reason of the suspension of the operation of the judgment of the District Court of Graham County in this cause until the final determination of this cause by this court.

Done in open court at Phoenix, Arizona, this 27th day of March, 1908.

The Arizona Copper Company, Limited, a corporation, Appellant,

vs. No. 1052.

William Allen Gibson, Appellee.

} It is ordered by the Court that the cause

be submitted on briefs.

It is further ordered that the appellee herein be granted 30 days within which to file brief and

It is further ordered that the appellant herein be granted 15 days thereafter within which to file reply brief.

It is ordered that this Court stand adjourned until Monday, May 18th, 1908, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona. } January Term. A.D. 1908.
Phoenix, Arizona. Monday May 18- 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritts Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

On motion of Mr. G. G. Harris, it is ordered that Mr. Reamer King, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona, be and he is admitted to practice as an Attorney and Counselor at law before this Court by Charter.

May 18-1908 the required oaths.

On motion of Mr. E.S. Clark, it is ordered that Mr. Fred H. Nelson, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona, in and for Navajo County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Nelson took the required oaths.

On motion of Mr. Henry F. Ashurst, it is ordered that Mr. William H. Mullin, who holds a certificate from the Superior Court of the Commonwealth of Massachusetts, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Mullen took the required oaths.

On motion of Mr. S.C. Hazzard, it is ordered that Mr. Galen F. Hamblet who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hamblet took the required oaths.

On motion of Mr. R.H.E. Morrison, it is ordered that Mr. Alfred Gray, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona, in

and for Navajo County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Ruiz took the required oaths.

On motion of Mr. Walter Bennett, it is ordered that Mr. Eugene H. Miller, who holds a certificate from the Circuit Court of the City of St. Louis in the State of Missouri, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Miller took the required oaths.

No. 1027. In the matter of the Estate of P. J. Delehanty, deceased.
John Sherman Macomber, et al., Appellants,
vs.
Walter Delehanty, Appellee.

On motion of Mr. Ben Goodrich, attorney for appellee herein, it is ordered that oral argument on the Motion for Rehearing filed herein, be granted.

Whereupon, at this time, Mr. Goodrich made a short argument on behalf of Appellee, and motion was then taken under advisement.

No. 991. P. L. Shuman, et al., Appellants,
vs.
Lillie Godwin, Appellee.

On motion of Mr. D. H. Cannon, for oral hearing herein, it is ordered that oral argument on

May 18-1908 the Motion for Re-hearing filed herein be granted, thirty minutes allowed for argument, and the Hearing set for two oclock this afternoon.

No. 243 In the Matter of the Application of Eduardo Ramirez for a Writ of Habeas Corpus.

The Court having been informed of the death of one of the counties on the bond of Eduard Ramirez, now, upon motion of Mr. S. M. Franklin, it is ordered that he be granted leave to file a new bond, said bond to be approved by the Chief Justice or one of the Associate Justices, and thirty days granted, if necessary, in which to prepare and file said bond.

No. 257 James P. Storm, Appellant vs. Territory of Arizona, Respondent.

On motion of Mr. G. W. Norris, attorney for Appellant herein, it is ordered that oral argument on the Motion for Re-hearing filed herein, be granted, and the hearing set for this afternoon.

No. 1047 Daniel Hankins, et al., Appellants, vs. Frank O. Holmes, et al., Appellees.

On motion of Mr. O'Connell, attorney for

Appellants herein, it is ordered that oral argument on the Motion for Re-hearing filed herein, be granted, and the hearing set for this afternoon.

Elmer H Duffield,
Petitioner,
No. 1054 ✓ vs.
Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

Upon motion of Mr. U.S. Clotfelter, attorney for Petitioner herein, It is ordered that this cause be continued until this afternoon.

In the Matter of the Application of
No. 261 ✓ Manuel Ramirez
for a Writ of Habeas Corpus.

Comes now Mr. J.L.B. Alexander, United States District Attorney and moves that the hearing of this cause be set for this afternoon.

In the Matter of the Application of
No. 261 ✓ Manuel Ramirez
for a Writ of Habeas Corpus.

In this cause it is ordered that the motion of the United States District Attorney that the hearing of this cause be set for this afternoon, be granted, and the hearing set for 1:30 o'clock.

May 18-1908.

No. 1009.

James H. Hurst,
Plaintiff in Error,
vs.
The United Gold Mines, a corporation
Defendant in Error.

The motion for re-hearing coming on at this time for hearing was argued by Mr. Francis M. Hartman for Plaintiff in Error, and Mr. Davis for Defendant in Error, and ordered submitted

Court took a recess until 1:30 o'clock this afternoon.

Court reconvened at 1:30 o'clock P.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
and the Clerk.
The following business was transacted:

On motion of Mr. E.S. Clark, it is ordered that Mr. Fred W. Perkins who holds a certificate from the Circuit Court of Jackson County, Missouri, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.
Whereupon, the said Court, Mr. Perkins took the required oath.

Elmer H. Duffield,
Petitioner,

No. 1054. ✓ vs.

Henry F. Ashurst, as District Attorney
of Coconino County, Arizona Territory,
Respondent.

This cause coming on at this time for hearing, and upon motion of Mr. E. F. Colter, attorney for Petitioner herein, attorneys for Respondent consenting, it is ordered that this cause be continued until the next session of this court.

In the Matter of the
Application of
No. 261. ✓ Manuel Ramirez
for a Writ of Habeas Corpus.

This cause coming on at this time for hearing was argued by Mr. Selim M. Franklin for Petitioner, and Mr. A. C. Baker for the United States of Mexico and Mr. J. L. B. Alexander for the United States of America, and ordered submitted.

Daniel Hawkins, et al.,
Appellants,

No. 1047. ✓ vs.

Frank O. Heland, et al.,
Appellees.

The Motion for Rehearing coming on at this time for hearing was argued by Mr. O'Connell for Appellants, and taken under consideration.

May 18. 1908

No. 257 ✓

James P. Storm,
Appellant
vs.
Territory of Arizona,
Respondent.

The Motion for Re-hearing coming on at this time for hearing, was argued by Mr. H. D. Ross and Mr. Frank Cox, for Appellant and taken under advisement.

No. 245 ✓

H. J. Grove,
Appellant,
vs.
Territory of Arizona,
Respondent.

In this cause, it is ordered that the Motion for re-hearing filed by Appellant, be submitted.

No. 258 ✓

Pablo Soto,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 259 ✓

Ygnacio L. Molina,
Appellant,
vs
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 1001. ✓

Lillie S. Gill,
Appellant,
vs.
Manhattan Life Insurance Company,
Appellee

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 1005 ✓

R. N. Leatherwood,
Appellant,
vs.
R. R. Richardson, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 1010 ✓

Michael Donohue,
Appellant,
vs
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 1012. ✓

F. O. Phillips,
Appellant,
vs.
Horal A. Smith, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, be submitted.

May 18- 1908

No. 1017 ✓ May M. Clarke,
Appellant,
vs.
Liberty Mining and Smelting
Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing
filed herein by Appellant, be submitted.

The Copper Belle Mining
Company, a corporation of the
State of West Virginia, et al.,
Appellants,

No. 1021 ✓ vs.
Martin Costello,
Appellee.

It is ordered that the Motion for Re-hearing
filed herein by Appellant, be submitted.

R. R. Richardson,
Appellant,

No. 1024 ✓ vs.
Santiago Sinna, Administrator
with Will annexed of the
Estate of Frank Ely, deceased,
Appellee.

It is ordered that the Motion for Re-hearing
filed herein by Appellant, be submitted.

A Sandoval, et al.,
Appellants,

No. 1028 ✓ vs.
Epes Randolph,
Appellee.

It is ordered that the Motion for

Re-hearing filed herein by Appellants, be submitted.

No. 1030. ✓

William Walton,
Appellant,
vs.
O. J. McKinney,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 1036. ✓

Western Arizona Railway Company, a corporation,
Appellant,
vs.
Foster S. Dennis, as Treasurer and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, and the County of Mohave, Territory of Arizona, a Municipal corporation,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, be submitted.

No. 1037. ✓

H. C. Greene, et al.,
Appellants,
vs.
Frank H. Hereford,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

No. 1038. ✓ John D. Richardson, et al Trustees of the Richardson-Roberts Dry Goods Company, a corporation, Appellants,

vs.

Henry Manz, Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 1041. ✓ Greene Cattle Company, a corporation, Appellant,

vs.

Frank H. Hereford, et al., Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 1045. ✓ In the Matter of the Black Diamond Copper Mining Company, a corporation, In Bankruptcy.

Pablo Sotz, et al., Appellants,

vs.

The Black Diamond Copper Mining Company, a corporation, Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

No. 991. ✓

P. L. Shuckman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

The Motion for Re-hearing coming on at this time for hearing, and the hour for adjournment having arrived, it is ordered that the hearing of the Motion in this cause be continued until to-morrow morning at ten o'clock.

It is ordered that this Court stand adjourned until to-morrow morning, May 19th at 10 o'clock.

Chief Justice.

Supreme Court, } January Term A.D., 1908.
Territory of Arizona. Phoenix, Arizona, Tuesday, May 19, 1908.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritz Jr. Clerk.
M. H. Cadenwood, Crier.
F. J. Duncan, Bailiff.

The following proceedings were had:

No. 991. ✓

P. L. Shuckman, et al.,
Appellants,
vs.
Libbie Goodwin,
Appellee.

The Motion for

May 19. '08 Re-hearing coming on at this time for hearing was argued by Mr. D. H. Pinney and Mr. Walter Bennett, for Appellants, and taken under advisement.

Court took a recess until 3 o'clock this afternoon

Court re-convened at 3 o'clock P. M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
and the Clerk.
The following business was transacted

H. J. Grace,
Appellant,
vs
No. 245 ✓
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

Pablo Soto,
Appellant,
vs.
No. 258. ✓
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

No. 259 ✓

Ygnacio L. Molina,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied

No. 1001 ✓

Lillie S. Gill,
Appellant,
vs.
Manhattan Life Insurance Company,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied

No. 257 ✓

James O. Storm,
Appellant,
vs.
Territory of Arizona,
Respondent.

In this cause, it is ordered that the Motion for Re-hearing filed herein and heretofore submitted, be continued for disposition until the next session of this Court.

No. 991 ✓

A. L. Sherman, et al.,
Appellants,
vs.
Lillie Goodwin,
Appellee.

In this cause, it is ordered that the Motion for Re-hearing filed herein and heretofore

May 19. '08 submitted, to be continued for disposition until the next session of this Court.

No. 1005 ✓

R. N. Leatherwood,
Appellant,
vs.
R. R. Richardson, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein and heretofore submitted, be continued for disposition until the next session of this Court.

No. 1009 ✓

James H. Hart,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

In this cause it is ordered that the Motion for Re-hearing filed herein and heretofore submitted, be continued for disposition until the next session of this Court.

No. 1010 ✓

Michael Donohoe,
Appellant,
vs.
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

No. 1012. ✓

F. O. Phillips,
Appellant,
vs.
Hoval A. Smith, et al
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, and heretofore submitted, be, and the same is, hereby denied.

No. 1017. ✓

May M Clarke,
Appellant,
vs.
Liberty Mining and Smelting Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

No. 1021. ✓

The Copper Belle Mining Company, a corporation of the State of West Virginia, et al.,
Appellants,
vs.
Martin Costello,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be, and the same is, hereby denied.

May 19- '08

No. 1024. ✓

R. R. Richardson,
Appellant,
vs.
Santiago Sinsa, Administrator
with Will annexed of the
Estate of Frank Ely, deceased,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

No. 1027. ✓

In the Matter of the Estate of
P. J. Delehanty, deceased.
John Arthur Mcconchy, et al.,
Appellants,
vs.
Walter Delehanty,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be, and the same is, hereby denied.

No. 1028. ✓

A. Sandoval, et al.,
Appellants,
vs.
Epes Randolph,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be, and the same is, hereby denied.

No. 1030.

William Walton,
Appellant,
vs.
P. J. McKinney,
Appellee.

In this cause, it is ordered that the Motion for Re-hearing filed herein and heretofore submitted be continued for disposition until the next session of this court.

No. 1036.

Western Arizona Railway Company,
a corporation,
Appellant,
vs.
Porter S. Dennis, as Treasurer and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellees and heretofore submitted, &c, and the cause is hereby granted, and the hearing set for November 9th, 1908

No. 1037.

W. C. Greene, et al.,
Appellants,
vs.
Frank H. Hayford,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants and heretofore submitted, &c, and the cause is hereby denied.

No. 1038. May 19, 1908. John D. Richardson, et al., Trustees of the Richardson Patented Dry Goods Company, a corporation, Appellants,

vs.

Henry Henry, Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore overruled, be, and the same is, hereby denied.

No. 1041. The Great Cattle Company, a corporation, Appellant,

vs.

Grant H. Heyford, et al., Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellees, and heretofore overruled, be, and the same is, hereby denied.

No. 1045. In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy.

Carl Sato, et al., Appellants,

vs.

The Black Diamond Copper Mining Company, a corporation, Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore overruled, be, and the same is, hereby denied.

No. 1047. v

Daniel Hawkins, etal,
Appellants,
vs.
Frank O'Reilly, etc,
Appellees.

This cause, coming on to be heard upon the Transcript of the Record from the Superior Court of the County of Marion, and briefs and arguments of counsel for Appellants, but not for Appellees, and the Court being duly advised in the premises, finds that there is no available error in the record of this cause.

No. 1010 v

Rachel Dawkins,
Appellant,
vs.
Peter Schmidlapp Printing Company, a corporation,
Appellee.

This cause coming on to be heard upon the Transcript of the Record from the Superior Court of the County of Marion, and briefs and arguments of counsel for Appellant, but not for Appellee, and the Court being duly advised in the premises, finds that there is no available error in the record of this cause.

James P. Evans,
Appellant,
vs.
Security Life Insurance Company,
Appellee.

No. 2097. v

[illegible]

May 19-1908

No. 1021

The Copper Belle Mining Company, a corporation of the State of West Virginia, et al.,

Appellants,

-vs-

Martin Cartells,

Appellee.

At this day comes Francis M. Hartman Esq., for Appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court.

Upon motion of Mr Hartman for Appellants, it is ordered that the amount of the Bond on Appeal be fixed in the sum of One thousand ($1,000.) dollars, and the amount of the Supersedeas Bond fixed in the sum of twenty Thousand ($20,000.) dollars

It is further ordered that the Mandate be stayed for thirty days.

No. 1009.

James H. Work,

Plaintiff in Error,

-vs-

The United Gold Mines, a corporation,

Defendant in Error.

On motion of Francis M Hartman, Esq., It is ordered that Plaintiff in Error herein be granted 20 days within which to file additional Brief.

It is further ordered that Defendant in Error herein be granted 20 days thereafter within which to file reply Brief.

In the Matter of the Black Diamond Copper Mining Company, a corporation, In Bankruptcy.
Pablo Soto, et al., Appellants,
No. 1045 ✓ vs.
The Black Diamond Copper Mining Company, a corporation, Appellee.

At this day comes Mr. James Reilly for Appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court.

Upon motion of Mr. Reilly for Appellants, It is ordered that the amount of the Bond on Appeal be fixed in the sum of one thousand ($1,000.) dollars.

May M. Clarke, Appellant,
No. 1017 ✓ -vs-
Liberty Mining & Smelting Company, a corporation, Appellee.

At this day comes Mr. S. L. Carter for Appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court.

Upon motion of Mr. Carter for Appellant, It is ordered that the amount of the Bond on Appeal be fixed in the sum of one thousand ($1,000.) dollars.

May 19. '08

No. 1087.

W. C. Greene, et al.,
Appellants,
vs.
Frank H. Hereford,
Appellee.

At this day comes Mr. S. L. Patten for Appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court.

Upon motion of Mr. Patten, it is ordered that Appellants be granted 30 days in which to file Bond, and that the Mandate be stayed for that period.

No. 1012.

F. O. Phillips,
Appellant,
vs.
Horal A. Smith, et al.,
Appellees.

Comes now Mr. Seth E. Hazzard for Appellees herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court, and moves the Court that the appeal be allowed.

No. 1012.

F. O. Phillips,
Appellant,
vs.
Horal A. Smith, et al.,
Appellees.

In this cause it is ordered that the motion for allowance of appeal to the Supreme Court of the United States, from the judgment of this court, and the motion to stay Mandate

No. 261 ✓

In the Matter of the Application
of Manuel Ramirez
for a Writ of Habeas Corpus.

This matter having been heretofore submitted and by the court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the Writ of Habeas Corpus heretofore issued out of this court upon the petition of Manuel Ramirez, be and the same is hereby discharged and the petitioner remanded to the custody of the United States Marshal for the Territory of Arizona.

No. 261 ✓

In the Matter of the Application
of Manuel Ramirez
for a ~~Writ~~ of Habeas Corpus.

At this day comes Mr. S. M. Franklin, attorney for petitioner herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the order of this Court discharging the Writ of Habeas Corpus and remanding petitioner.

No. 243 ✓

In the Matter of the Application
of Eduardo Ramirez
for a Writ of Habeas Corpus.

The petition of J. L. Alexander, United States Attorney for the Territory of Arizona, praying that Eduardo Ramirez be required to furnish a recognizance in the sum of $25,000. with good and sufficient sureties, to be approved by this Court, each for his further co to abide within a reasonable time, that a warrant issue, directed to the United States Marshal for the Territory of Arizona, for the return and arrest of said Eduardo Ramirez, and that the said Eduardo Ramirez be committed to the custody of the said United States Marshal

May 19, 1908 until the further order of this court, coming on regularly to be heard this 19th day of May, 1908, and it appearing to this Court that heretofore, to-wit, on the 23rd day of May, 1907, this Court made an order discharging the said Eduardo Ramirez upon a writ of habeas corpus, from which order an appeal was taken to the Supreme Court of the United States by Arturo M. Elias, Superior Consul of the United States of Mexico, and that under Rule 34 of the Supreme Court of the United States, the said applicant was enlarged upon recognizance, with sureties, for his appearance to answer the judgment of the Appellate Court, in the sum of $25,000; and that thereafter, to-wit, on the 15th day of June, 1907, the said applicant gave recognizance in the sum of $25,000; that upon the said recognizance as aforesaid one Francisco Hermosillo signed as surety in the sum of $15,000; Jesus Saldomando signed as surety in the sum of $5,000; L.B. Fleisher signed as surety in the sum of $5,000; A. Carpena signed as surety in the sum of $3,000, and Juan Arizmendez signed as surety in the sum of $2,000; that said recognizance was thereafter approved by the Honorable Edward Kent Chief Justice of the Territory of Arizona, and that thereupon said Eduardo Ramirez was released from the custody of the United States Marshal for the Territory of Arizona, and that since said recognizance was given and approved, and said Eduardo Ramirez was released as aforesaid, one of the sureties on the said recognizance of said Eduardo Ramirez to-wit, Francisco Hermosillo has died, and that said Eduardo Ramirez is now out of the custody of the United States Marshal for the Territory of Arizona and at large, and said recognizance, by reason of the death of Francisco Hermosillo as aforesaid, is wholly insufficient to comply with

the order of this Court as aforesaid, and that said appeal is yet undetermined and the Court being fully advised in the premises:

It is hereby ordered that the said Eduardo Ramirez give a new recognizance running to the United States of America in the sum of $25,000. with good and sufficient sureties, to be approved by the Chief Justice or one of the Associate Justices of the Supreme Court of the Territory of Arizona, on or before the 18th day of June, 1908.

And it is further ordered that, in the event such recognizance be not given, filed, and approved as hereinabove provided on or before the said 18th day of June, 1908, the Clerk of the Supreme Court of the Territory of Arizona, is hereby directed to issue a warrant duly dated under the seal of this Court, directed to the United States Marshal for the Territory of Arizona, commanding him to apprehend the said Eduardo Ramirez wherever he may be found, and to hold the said Eduardo Ramirez in custody until the further order of this court.

Done in open court this 19th day of May, 1908.

Edward Kent,
Chief Justice.

It is ordered that this court stand adjourned until Monday, November 9th, 1908 at 10 o'clock.

Edward Kent
Chief Justice.

Nov. 9. 1908 Supreme Court, } January Term, A.D. 1908
Territory of Arizona } Phoenix, Arizona. Monday November 9, 1908
Court opened at 10 o'clock A.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Hare, " "
F.A. Gritle Jr., Clerk
M.H. Calderwood, Crier.
T.J. Duncan, Bailiff.
and the following business was transacted.

On motion of Mr. Frank J. Duffy, it is ordered that Mr. J.H. Hire, who holds a certificate from the Supreme Court of Pennsylvania, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hire took the required oath.

Report of the Board of Examiners
for Admission to the Bar.
November Term, 1908.
To the Supreme Court of the Territory of Arizona:

The Board of Examiners for admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on November 7th, 1908, and append herewith as a part of this report the list of questions propounded to applicants, and a tabulated statement showing the subjects, the percentage secured by each applicant on each subject, and the total percentage secured by each applicant upon all the subjects upon which questions were propounded. There were fifty questions propounded and each question contained a

natis of two.

As a result of this examination, and based upon the tabulated statement above referred to, we respectfully recommend that the following named persons who have presented to this Committee satisfactory evidence of their right to take this examination, and who have answered correctly more than 70 per cent of the questions propounded by the Board, be admitted at this term of court to practice at the Bar of the Supreme Court of the Territory of Arizona:

R. M. Yates
F. H. Bernard,
Kirke F. Moore,
Carl M. Heim.

Attached hereto is a list of the questions propounded in each subject upon which the applicants were examined.

Supplemental to this report this Committee files herewith a statement showing the cost and necessary expenses of holding this examination, which statement is herewith submitted to the Chief Justice of the Supreme Court for his approval, in accordance with Section 6, Chapter 76, of the session laws of 1907 of the Territory of Arizona.

Respectfully submitted,
Walter Bennett, Chairman,
George J. Sherman, Secretary.

The Report of the Board of Examiners having been accepted, the Court ordered that Mr. R. M. Yates, Mr. F. H. Bernard, Mr. Kirke F. Moore and Mr. Carl M. Heim, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Yates, Mr. Bernard, Mr. Moore and Mr. Heim took the [illegible]

Nov. 9, 1908.

No. 861.

Jesse Hoyt Smith,
Appellant,
vs.
William J. Rainey, and
Lillian Rainey, his wife,
Frank Luke and John Luke,
Appellees.

It is hereby ordered and adjudged, in accordance with the mandate of the Supreme Court of the United States herein filed, that the decree of this Court made and entered on the 9th day of January, 1906, is reversed, and the cause is remanded to the District Court with directions to overrule the demurrer.

It is further ordered that the appellant recover his costs in this court expended, taxed in the sum of One Hundred Fourteen and 45/100 ($114.45) Dollars, together with his costs in the Supreme Court of the United States in this cause incurred, taxed in the sum of One Hundred and eleven dollars and twenty-five cents ($111.25).

No. 1054.

Elmer H. Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District
Attorney of Cochise County,
Arizona Territory,
Respondent.

It is ordered by the Court that this cause

be and the same is hereby dismissed at the request of attorneys for Petitioners.

No. 1036. ✓

Western Arizona Railway Company, a corporation,
Appellant,
vs.
Foster S. Dennis as Treasurer and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, and the County of Mohave, Territory of Arizona, a Municipal Corporation,
Appellees.

On motion of Mr. Paul Brooks, attorney for appellant herein, it is ordered that Mr. E. H. Camp be entered as associate counsel.

No. 1036. ✓

Western Arizona Railway Company, a corporation,
Appellant,
vs.
Foster S. Dennis, as Treasurer and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. Paul Brooks and Mr. E. H. Camp for appellant and Mr. E. S. Clark for appellees and cause ordered continued until Wednesday, November 11, 1908.

No. 1036. Western Arizona Railway Company, a corporation,

Appellant,

vs.

Foster S. Dennis as Treasurer and Ex-Officio Tax Collector of the County of Mohave, Territory of Arizona, et al.,

Appellees.

Comes now Mr. E. S. Clark attorney for appellee and gives notice that he will file Motion to withdraw from Stipulation heretofore filed.

No. 1047. Daniel Hankins, et al.,

Appellants.

vs.

Frank O. Helms, et al.,

Appellees.

This cause coming on at this time for Re-hearing, It is ordered by the Court that said cause be submitted on Briefs

No. 1080. Elmer H. Duffield,

Petitioner,

vs.

Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,

Respondent.

It is ordered by the Court that the hearing of this cause be set for to morrow morning, November, 10th.

It is ordered that this Court stand adjourned until to morrow morning November 10th at ten o'clock.

Chief Justice.

Supreme Court, Sanmas, Term, A.D. 1908.
Sanday Morning. Term, Friday, Sunday, January 19, 1908.
Court opened at 10 o'clock A.M.

Present: Honorable Edward Scott, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher Bodson, " "
" John H. Campbell, " "
" Frederick W. Root, " "
W. A. Frank Jr. Clerk.
F. H. Caldwell, Crier.
F. C. Noonan, Bailiff.

The following Business was Transacted.

The Coos Bottom Colfax Company, a corporation, Appellant,

vs.

No. 1052. W. P. Green, Appellee.

In this cause, it is ordered that the Motion to Affirm the Judgment of the District, filed herein by Appellee, be submitted.

F. D. Hoote, Trustee in Bankruptcy of the Estate of Charles F. Green, Bankrupt, Appellant,

vs.

No. 1065. The Eel Valley Coal & Fuel Company, a corporation, Appellee.

In this cause, it is ordered that the Motion to Strike Reply Brief from the files, filed herein by Appellee, be submitted.

Nov. 19, 1908

No. 1081.

Stella McGeorge, et al.,
Appellants,
vs.
Stella F. Coles, et al.,
Appellees.

In this cause, it is ordered that the motion to affirm Judgment of the District Court and for damages, filed herein by Appellee, be submitted.

No. 1082.

The Globe Western Copper Company, a corporation,
Appellant,
vs.
H. O. Green,
Appellee.

The Motion to Affirm the Judgment of the District Court, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises: It is ordered that said Motion be granted, and the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein, the Globe Western Copper Company, a corporation, and Joe Egan and Harry Sultan, sureties on appeal bond, his costs in this cause, taxed at Seventeen and 90/100 ($16.90) Dollars, together with his costs in the Court below in this cause incurred.

No. 1065. ✓

F. D. Hooker, Trustee in Bankruptcy of the Estate of Charles F. Carson, Bankrupt,

Appellant,

vs.

The Gila Valley Bank & Trust Company, a corporation,

Appellee.

In this cause, it is ordered that the Motion to strike from the files appellant's Reply Brief, filed herein by appellee, and heretofore submitted, be and the same is hereby denied.

No. 1081. ✓

Stella M. French and George H. French, her husband,

Appellants,

vs.

Stella F. Cater and Francis M. Cater,

Appellees.

The Motion to Affirm the Judgment of the District Court and for damages, filed herein by Appellees, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the Motion to Affirm be granted, and the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered that the Motion for Damages be, and the same is, hereby denied.

It is further ordered, adjudged and decreed that the Appellee Francis M. Cater do have and recover of and from the Appellants Stella M. French, George H. French, and W. A. Hicks, [illegible]

Nov. 19, 1908 appeal bond herein, the sum of Twelve hundred Twenty-one and 28/100 ($1221.28) Dollars and costs of suit in the District Court amounting to fifty-four and 45/100 ($54.45) Dollars, together with Appellee's costs in this suit in this cause incurred, taxed at fourteen and 70/100 ($14.70) Dollars, and accrued costs in the District Court, amounting to three and 35/100 ($3.35) Dollars.

No. 1059. John H. Gerritt, Appellant, vs. Howard H. Kemper, Appellee.

The motion to Dismiss the Appeal and Affirm the Judgment of the District Court, filed herein by Appellee, not showing proof of service It is ordered that no action be taken in the matter

On motion of Mr. J. M. O'Connell, it is ordered that Mr. David Gershinsk, who holds a certificate from the Supreme Judicial Court Commonwealth of Massachusetts, be admitted to practice in this court upon taking the oath by prescribed by Chapter 76, Laws of 1907. Whereupon, in open court, Mr. Gershinsk took the required oath.

No. 1080. ✓

Elmer H. Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

Comes now Mr. E. McDoe, for Respondent herein, and moves the Court to grant the respondent leave to withdraw his answer heretofore filed herein, and to file a substitute answer containing such pleas as he may desire, within three days, whereupon the Court took said motion under advisement.

Elmer H Duffield
Petitioner,
vs
No. 1080. ✓
Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

At this day it is ordered by the Court that the Petitioner herein be granted 20 days within which to file briefs.

Western Arizona Railway Company
Appellant,
vs.
No. 1036. ✓
Foster S. Dennis, as Treasurer, etc., and the County of Mohave,
Appellees.

At this day it is ordered by the Court that the motion for permission to withdraw from the Stipulation filed herein, be submitted.

It is ordered that this Court stand adjourned until tomorrow morning, November 11th, A.D. 1907.

Chief Justice.

Nov. 11, 1908 Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona. Wednesday Nov. 11, 1908.

Court Opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gritte, Jr., Clerk.
M.H. Calderwood, Crier.
F.J. Duncan, Bailiff.

The following business was transacted.

No. 1005. R.N. Leatherwood,
Appellant,
vs.
R.R. Richardson, et al.,
Appellees.

At this day it is ordered that the motion for re-hearing, filed herein by Appellant and heretofore submitted, be and the same is, hereby granted. Cause to be heard at the January Term 1909, when oral argument may be had if desired.

No. 257. James O. Stone,
Appellant,
vs.
Territory of Arizona
Respondent.

In this cause, it is ordered that the Motion for re-hearing, filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

No. 257. ✓

James C. Storm,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. Frank Cox, it is ordered that the Remittitur be stayed for the present.

No. 1036. ✓

Western Arizona Railway Company,
Appellant,
vs.
Foster S. Dennis, Treasurer and Ex-Officio Tax Collector of Mohave County, et al.,
Appellees.

At this day, it is ordered by the Court that Appellees motion for permission to withdraw from the stipulation filed herein on December 19, 1907, in so far as said stipulation embraces or purports to embrace the question whether any exemption from taxation was ever earned by the railway company above named, be and the same is, hereby denied.

No. 1036. ✓

Western Arizona Railway Company,
Appellant,
vs.
Foster S. Dennis, as Treasurer and Ex-Officio Tax Collector of Mohave County, et al.,
Appellees.

At this day it is ordered by the Court that the order made herein on the 19th day of May, 1908 granting a re-hearing, be and the same is, hereby vacated.

Nov. 11, 1908.

No. 1080 ✓

Elmer H. Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

At this day it is ordered by the Court that the respondent be granted leave to withdraw his answer herein and file a substitute answer containing such pleas as he may desire within three days from the 10th instant, and a copy thereof to be mailed to petitioner's attorneys within four days from said date.

Elmer H. Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

No. 1080 ✓

At this day, on motion of petitioner by his attorney, it is ordered that the time for filing demurrer and briefs be granted the respective parties as per stipulation now on file in this cause, and that this cause shall stand for argument at the January Term of this Court and any writ issued therein may issue against the incumbent of the office of District Attorney of Coconino County, Arizona Territory, who the respondent or his successor in office.

On motion of Mr. Frank Cox, it is ordered that Mr. William G. Gilmore, who holds a certificate from the District Court of Santa Cruz County, Territory of Arizona, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Gilmore took the required oaths.

It is ordered that this court stand adjourned until tomorrow, November 12th, at ten o'clock A. M.

Chief Justice.

Supreme Court, } January Term, A.D. 1908.
Territory of Arizona. } Phoenix, Arizona, Thursday, Nov. 12, 1908.

Court opened at 10 o'clock A. M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Fritts, Jr., Clerk.
M. H. Caldwood, Crier
F. J. Duncan, Bailiff.

The following business was transacted.

No. 991 } P. L. Shuman, et al., Appellants,
vs.
Libbie Godman, Appellee.

At this day it is ordered by the Court that the motion for Re-hearing filed herein by the appellee herein be and the same is hereby denied.

Nov. 12, 1908.

No. 1030.

William Walton,
Appellant,
vs.
P. J. McKinney,
Appellee.

At this day it is ordered by the Court that the Motion for Re-hearing filed herein by Appellee and heretofore entertained, be and the same is, hereby granted.

No. 1009.

James H. York,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

At this day it is ordered by the Court that the Motion of Plaintiff in Error herein for a re-hearing and that the order and judgment entered herein on the 14th of January 1908 dismissing the Writ of Error be set aside and vacated, and that said cause be considered and reviewed on its merits, be and the same is, hereby granted, and cause set for hearing at the January Term, 1909.

No. 1028.

A. Sandoval, et al.,
Appellants,
vs.
Epres Randolph,
Appellee.

At this day comes Frank H. Lyman for appellants and moves the Court for an order requiring the Clerk of the District Court of the Second Judicial District of the Territory of Arizona with seal for the County of Santa Cruz

to transmit to the clerk of this Court the record here-
fore before this Court in this cause for the purpose of
preparing the Record on Appeal to the Supreme Court of the
United States.

It is ordered by the Court that said motion be and
the same is hereby denied.

No. 1009. James H. York,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

At this day on motion of attorney for
Defendant in Error, it is ordered by the Court
that the Defendant in Error be granted thirty
days within which to file printed brief.

No. 1009. James H. York,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

At this day on motion of attorney for
Plaintiff in Error, it is ordered by the
Court that the Plaintiff in Error be granted
twenty days within which to file Brief.

On motion of Geo. D. Christy, it is ordered
that Jacob Weichberger, who has taken an appeal
from District Court of the Fifth Judicial District
of the Territory of Arizona, and has given bond
as by law, be admitted to practice as an attorney
and counselor of the Supreme Court of the

Nov. 12, 1908 | 76, Laws of 1907.

Whereupon, in open court Mr. Heinberger took the required oaths

No. 991 V

O. L. Shuman, et al.,
Appellants,
vs.
Libbie Godwin,
Appellee.

At this day comes D. H. Pinney for appellants herein and gives notice in open court of his intention to apply for a Writ of Error from the Supreme Court of the United States from the judgment rendered against them in this cause.

It is ordered that this court stand adjourned sine die.

Edmund Terrell
Chief Justice.

Supreme Court, } Regular January Term, A.D. 1909.
Territory of Arizona. } Prescott, Arizona. Monday, January 11, 1909.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice,
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Fritts, Jr., Clerk.
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted:

No. 273. In the Matter of the Application of Ez-a-kiel-le, et al. for a Writ of Habeas Corpus.

On motion of C. Gibson, Esq., attorney for Petitioners herein, It is ordered that the record in this cause may be filed either as an original proceeding or an appeal.

No. 1074. The Title Guaranty & Surety Company, a corporation, Appellant, vs. W. F. Nichols, Appellee.

On motion of C. F. Ainsworth, attorney for Appellant herein, It is ordered that he be granted until January 14th, 1909, within which to file reply to motion filed herein by Appellee.

On motion of Mr. Geo. J. Sterman, it is ordered that Mr. Geo. H. Smith, be and he is hereby admitted to practice as an attorney and counselor at law of this Court upon the presentation to the Clerk of a certificate of his admission to practice in the Supreme Court of the Territory of Arizona, and upon the payment to the Clerk of the fee required by law.

No. 1909.

The undersigned, Secretary of the State of Indiana, does hereby certify that the annexed and foregoing is a true and complete transcript of the original Articles of Incorporation of the Indiana Bond Co. as appears of record in this office.

One Dollar Fee Collected.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Indiana, at the City of Indianapolis, this 8th day of January, 1909.

Secretary of State.

Filed in the Office of the Secretary of State January 8, 1909.

Articles of Incorporation of the Indiana Bond Co.

We, the undersigned, all citizens of the United States, and a majority of us residents of the State of Indiana, have this day associated ourselves together, and do hereby form ourselves into a corporation under the laws of the State of Indiana, and do certify:

That the name of said corporation shall be the Indiana Bond Co.

That the principal business office of said corporation shall be located in the City of Indianapolis, Marion County, Indiana.

That the general nature of the business to be transacted by said corporation shall be the buying, selling, dealing in and negotiating bonds, stocks, securities and evidences of indebtedness of corporations, associations, municipalities, states and governments, and the doing of all things necessary and proper to accomplish the foregoing purposes.

That the amount of the capital stock of said corporation shall be Fifty Thousand Dollars ($50,000.00), divided into Five Hundred (500) shares of the par value of One Hundred Dollars ($100.00) each, which shall be fully paid up before the commencement of business by said corporation.

That the time of the existence of said corporation shall be perpetual.

That the affairs of said corporation shall be managed by a board of directors consisting of not less than three nor more than seven members, who shall be elected annually by the stockholders of said corporation, at the principal office of said corporation in the City of Indianapolis, Indiana, on the first Tuesday in January of each year, after notice of the time and place of such meeting shall have been given by publication in a newspaper of general circulation published in said City of Indianapolis, Indiana, for ten days next preceding such meeting. Each director shall hold office until the election and qualification of his successor. Any director may be removed from office by the vote of the holders of a majority of the stock of said corporation at any meeting of the stockholders called for that purpose. Any vacancy occurring in the board of directors may be filled by the remaining members of the board. The directors shall choose from their number a president, a vice-president, a secretary and a treasurer, who shall perform the duties usually pertaining to such offices, and such other duties as may be prescribed by the board of directors. The offices of secretary and treasurer may be held by the same person.

That the private property of the stockholders of said corporation shall not be liable for the debts of said corporation.

That the annual meeting of the stockholders of said corporation shall be held at the principal office of said corporation in the City of Indianapolis, Indiana, on the first Tuesday in January of each year, after notice of the time and place of such meeting shall have been given by publication in a newspaper of general circulation published in said City of Indianapolis, Indiana, for ten days next preceding such meeting. At each annual meeting of the stockholders of said corporation the board of directors shall submit reports showing in detail the condition of the corporation, and a statement of the income and expenses of the corporation for the past year. The stockholders shall also at each annual meeting elect directors to succeed those whose terms of office shall then expire, and shall transact such other business as may properly come before the meeting.

That the number of shares of the capital stock of said corporation owned by each of the undersigned is as follows:

Report of the Board of Examiners
for the Examination of the Bar.

January Term, 1909.

In the Supreme Court of the Territory of Arizona:

The Board of Examiners for Admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on January 8th and 9th, 1909 and attach hereto and as part of their report the list of persons thereupon examined for admission, and a tabulated statement showing the standing of the respective applicants as graded by each Examiner upon each question and the total percentage attained by each applicant upon each question and the total percentage attained by each applicant upon the whole examination.

The Examiners, upon their first examination of the applicants, found that the following persons had attained the required standing, and they recommend that they be admitted to practice as attorneys and counselors at law in the courts of this Territory:

after the Estimated Statement was received by me, it was
discovered that the Statement showed Receipts from the
Board to the Committee Secretary, instead of being credited
to the Committee Secretary and the Board was credited with
those Sums so the cost of the Quarters Maintenance should be
the Board, he submitted at this Time his Receipts
at the Bar of the Conference for the Quarters Expenses.

H. Hickey,
L. L. Boyce,
E. J. McGee.

Superintendent's Report Each Committee present
Report Received the Statement of Mr. Bennett and Mr.
Thompson showing the Stations contributed and expected
received & the Working of each Circuit. Said
Statement is complete in the exception of the cost of
printing the Quarterly Report which the Stewards
of the Conference are requested to pay for their respective
Circuits in accordance with Section 6 Chapter 78 of the
Revised Laws of 1907 of the Province of Ontario.

Respectfully submitted.
Peter Bennett.
Geo. J. Thompson.

The Report of the Board of Examiners being
called, the Chairman stated that the Stations &
Mr. McGee and Mr. Whitehead, he requested to
produce their Certificates of Character before they
could be Received & Read by the Conference.

Whereupon, Whereupon Brother Hickey, Mr. Bennett
and Mr. Whitehead, the Certificates

Jany 11-1909

No. 1090 ✓

Yee Dick Jong,
Appellant,
vs.
United States of America,
Appellee.

At this day comes Mr. J. L. L. Alexander, attorney for Appellee herein, and moves the court that the ~~appeal~~ record herein be withdrawn, attorney for Appellant herein consenting.

No. 1090 ✓

Yee Dick Jong,
Appellant,
vs.
United States of America,
Appellee.

At this day it is ordered by the court that the motion of Appellee that the record herein be withdrawn, be and the same is hereby granted.

No. 1060 ✓

Platt Iron Works, et al,
Appellants,
vs.
Detroit Trust Company and
James Davidson, Trustee,
Appellees.

In this cause it appearing from the files that a dismissal of appeal has heretofore been filed, now, at this day, upon motion of L. H. Chalmers, attorney for appellants herein, it is ordered by the Court that the appeal be, and the same is hereby, dismissed.

A. Sandoval, et al.,
Appellants,
No. 1093 v
vs.
The United States Fidelity and Guaranty Company, a corporation,
Appellee.

At this day, upon motion of Mr. Geo. P. Bullard, it is ordered by the Court that his name be entered as associate counsel for appellants.

Jos. H. Hamill,
Appellant,
No. 1067. v
vs.
The Gila Valley Bank & Trust Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the motion to Dismiss the Appeal, filed herein by Appellant, be submitted.

Jos. H. Hamill, et al.,
Appellant,
No. 1068. v
vs.
Arizona National Bank of Tucson, a corporation,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal, filed herein by Appellant, be submitted.

John H. Gerritt,
Appellant,
No. 1059. v
vs.
Howard H. Kemper,
Appellee.

At this day, it is ordered that [illegible]

Jany 11- 1909 Motion to Dismiss Appeal and Affirm Judgment filed herein by Appellee; Is submitted.

A. D. McDonald,
Plaintiff in Error,
vs
No. 1072 H. N. Cox,
Defendant in Error.

At this day, it is ordered by the Court that the Motions to Strike Abstract of Record and to Affirm the Judgment of the lower court, filed herein by Defendant in Error, be submitted.

The Title Guaranty & Surety Company, a corporation,
Appellant,
vs.
No. 1074 H. F. Nichols,
Appellee.

At this day, it is ordered by the Court that the Motion to Strike Reporter's Transcript of Testimony and Affirm the Judgment, and Motion to Strike Abstract of Reporter's Transcript from the Abstract of Record, filed herein by Appellee, be submitted.

The Title Guaranty & Surety Company, a corporation,
Appellant,
vs.
No. 1074 H. F. Nichols,
Appellee.

At this day, it is ordered by the Court that

On Motion to Strike Appellant's Brief and Dismiss the Appeal filed herein by Appellee, be submitted.

Rose Marcou,
Appellant,
vs.
No. 1085 ✓
Santa Fe, Prescott & Phoenix
Railway Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

John Conchin,
Appellant,
vs.
No. 1089 ✓
El Paso & Southwestern Railroad
Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

John Conchin,
Appellant,
vs
No. 1089 ✓
El Paso & Southwestern Railroad
Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Dismiss Appeal, filed herein by Appellee, be submitted.

No. 1095 Equity

Theodore A. Wiel,
Plaintiff in Error,
vs.
Edwin H. Evans, et al,
Defendants in Error.

It is ordered by the Court that the Motion to Dismiss this cause, filed herein by Defendants in Error, be submitted.

No. 1096 Equity

Consolidated Gas & Electric Co., a corporation,
Appellant,
vs.
H. A. Julian, Co.,
Appellee.

It is ordered by the Court that the Motion to affirm, filed herein by appellee, be submitted.

No. 1097 Equity

Myers-Abel Co., et al.,
Appellants,
vs.
Industrial Building Loan Association, a corporation,
Appellee.

It is ordered by the Court that the Motion to Dismiss appeal, filed herein by Appellee, be sustained.

Jany 11-1909

No. 1068.

Jos H. Hamill, et al.,
Appellants,
vs
Arizona National Bank of Tucson, a corporation,
Appellee.

The Motion to Dismiss the Appeal, filed herein by Appellants, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted and the appeal be, and the same is hereby, dismissed at the cost of Appellants.

It is ordered that this Court stand adjourned until tomorrow, January 12, 1909, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1909.
Territory of Arizona. } Phoenix, Arizona. Tuesday Jan'y 12, 1909.
Court opened at 10 o'Clock A.M.

Present: Hon. Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M Doan, " "
" John H Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle, Jr., Clerk.
M. H. Caldwood, Crier,
F. J. Duncan, Bailiff.

The following proceedings were transacted.

No. 1085 ✓

Rose Marcou,
Appellant,
vs.
Santa Fe, Prescott and Phoenix Railway Company, a corporation,
Appellee.

} Judgment Satisfied in full this 16th day of March 1909
L H Chatman
for Appellee

The Motion to Affirm the Judgement of the District Court, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises, It is ordered that said Motion be granted and the judgement of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Rose Marcou, Appellant herein, and Joseph Dougherty and Anna Bartholdi, sureties on appeal bond herein, its costs in this court, taxed at fourteen and 40/100 ($14.40) Dollars.

No. 1072. ✓

R. D. McDonald,
Plaintiff in Error,
vs.
H. N. Ent,
Defendant in Error.

} At this day, it is ordered by the Court that the Motion to Strike the Abstract of Record, filed herein by Defendant in Error and heretofore submitted, be and the same is hereby denied.

No. 1059 ✓

John H. Gerrit
Appellant,
vs
Konrad H. Kerchen,
Appellee.

} On Motion to Dismiss the appeal herein and

May 12, 1909. Affirm. The Judgment of the Court Below, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, It is ordered that said Motion be granted the appeal be dismissed and the judgment of the Court below be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, Howard H. Kemper, do have and recover of and from John W. Gerritt, Appellant herein and Wm. O'Dea and C.D. McGaddie, sureties on, supersedeas bond herein, the sum of Five Hundred ($500.) Dollars, and his costs in the court below in this cause incurred, taxed at Sixty-six and 90/100 ($66.90) Dollars with interest as provided in the original judgment, together with his costs in this court, taxed at Eighteen ($18.00) Dollars.

John Conchin,
Appellant,
vs.
No. 1089. El Paso & Southwestern Railroad Company, a corporation,
Appellee.

The Motion to Affirm the Judgment of the District Court, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be, and the same is hereby, denied.

No. 1091 ✓

Frances J. Hill,
Plaintiff in Error,
vs.
George H. Travis, et ux.,
Defendants in Error.

The Motion to Dismiss the Writ of Error, filed herein by Defendants in Error, having been submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion, and the same is hereby, denied.

No. 1096 ✓

Consolidated Gas & Electric Co., a corporation,
Appellant,
vs.
H. A. Julian & Co., a corporation,
Appellee.

The Motion to Affirm the Judgment of the lower court, filed herein by Appellee, having been submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be and the same is hereby, denied, no appeal bond having been filed and the Court lacking jurisdiction.

No. 1097 ✓

Mayer-Kiel Company, et al.,
Appellant,
vs.
Industrial Building & Loan Association, a corporation,
Appellee.

The Motion to Dismiss [illegible]

Jany 12-1909

premises, it is ordered that said Motion be granted and the appeal herein _____ be, and the same is hereby, dismissed. counsel for Appellants consenting.

It is further ordered, adjudged and decreed that the Appellee herein, the Industrial Building and Loan Association, a corporation, do have and recover of and from the Meyers-Abel Company, a corporation, John Downs, Martha Downs, Benjamin Downs, and E.H. Nelson, Trustee, Appellants herein, and United States Fidelity & Guaranty Company, surety on Supersedeas Bond herein, ~~the amount of the judgment entered in the District Court on the 15th day of October, A.D. 1908, with interest as provided in said judgment, together with~~ its costs in this court in this cause expended, taxed at, (nineteen and 95/100 ($19.95) Dollars.

On motion of Mr George J. Sturgeon, it is ordered that Mr. John H. Murphy who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Murphy took the required oaths.

On motion of Mr. E.H. Lewis, it is ordered that Mr. Thomas D. Mabry, who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Yuma, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Mabry took the required oaths.

No. 1080 ✓

Elenia H Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney
of Coconino County, Arizona Territory,
Respondent.

At this day, on motion of Mr. T. J. Norton, Attorney for Petitioner herein, it is ordered by the Court that the hearing of this cause be set for to-morrow morning, January 13, at 10 o'clock.

No. 262. ✓

Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

At this day it is ordered by the Court that the motion to Dismiss the Appeal, filed herein by Respondent, be submitted.

No. 271 ✓

Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

At this day, it is ordered by the Court that the motion to Dismiss the Appeal, filed herein by Respondent, be submitted.

Jany 12, 1909

No. 1100.

C. Elmer Smith, et al, Executors,
Appellants,
vs.
The King of Arizona Mining &
Milling Co., et al.,
Appellees.

At this day it is ordered by the Court that the Motion to extend the time for filing the Record and the preparation and filing of the Abstract of Record and Brief, filed herein by Appellants, be submitted.

No. 268.

J. H. Bryant,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, upon motion of Mr. Geo. E. Galles, attorney for Appellant herein, it is ordered by the Court that this cause be submitted on briefs, and Appellant granted ten days within which to file his brief.

It is further ordered that the Attorney General be granted ten days thereafter within which to file brief of Respondent.

No. 274.

Pinkie Dean,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Attorney General be granted ten days within which to file Respondent's brief herein.

It is further ordered that this cause be

submitted on briefs.

No. 1005 ✓ R. N. Leatherwood, Appellant, vs. R. R. Richardson, et al., Appellees.

At this day, on motion of Mr. S. McFranklin, attorney for Appellees herein, it is ordered that oral argument be granted in this cause, and the hearing set for January 13, 1909.

It is further ordered that the Appellant herein be granted leave to file reply brief.

No. 1075 ✓ Lizzie B. Murphy, et al., Appellants, vs. Joseph H. Brown, et al., Appellees.

At this day, on motion of Mr. Geo. E. Fraker, attorney for Appellants herein, it is ordered that oral argument be granted in this cause, and the hearing set for January 14, 1909.

No. 1069. ✓ Charles Clason, Appellant, vs. Nick Matka, et al., Appellees.

At this day, it is ordered by the Court that this cause be submitted on briefs.

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Jany. 12, 1909

No. 1083 ✓

Tucson Consolidated Copper Company, a corporation, et al.,
Appellants,
vs.
William H. Reed,
Appellee.

At this day, it is ordered by the Court that the Appellee herein be granted ten days within which to file his brief.

No. 1083 ✓

Tucson Consolidated Copper Company, a corporation, et al.,
Appellants,
vs.
William H. Reed,
Appellee.

At this day, on motion of Mr. Geo. E. Kadel, attorney for Appellants herein, it is ordered that Appellants be granted ten days after the time allowed Appellee for filing brief, within which to file reply brief.

It is further ordered that this cause be submitted on briefs.

✓

No. 1088. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix of the Estate of Carl S. Nielsen, Deceased, and Mary Nielsen in her own personal right,
Appellee.

At this day, on motion of Mr. S. L. Patee, attorney for Appellants herein, it is ordered that oral argument be granted in this cause and the hearing set for

Monday, January 18, 1909.

No. 1099 ✓

Phil D. Hughes, et al.,
Appellants,
vs.
The Flowing Wells Co., a corporation,
Appellee.

At this day, it is ordered by the Court that this cause be continued.

No. 250. ✓

C. C. Craft,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted, and the Attorney General granted leave to file Motion.

No. 264. ✓

Billy Williams,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted, and the Attorney General granted leave to file motion.

No. 266 ✓ Jany 12- 1909

U. C. Musgrave,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be passed

It is further ordered that the Attorney General be granted ten days within which to file Respondents Brief.

No. 267 ✓

George High,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Attorney General be granted ten days within which to file Brief of Respondent.

No. 267 ✓

George High,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, in motion of Mr. L. Kearney, attorney for Appellant herein, it is ordered that oral argument be granted in this cause and the hearing set for Wednesday, January 14, 1909.

No. 272. In the Matter of the Application of Sy-a-libble, Polly, et al, for a Writ of Habeas Corpus.

Comes now Mr. O Gibson, attorney for Petitioners herein, and moves the Court that Petitioners be granted ten days within which to file brief.

No. 272. In the Matter of the Application of Sy-a-lib-le Polly, et al, for a Writ of Habeas Corpus.

At this day, it is ordered by the court that the motion of Petitioners for ten days within which to file brief be, and the same is hereby, granted.

No. 273. In the Matter of the Application of Sy-a-lib-le, Polly, et al; for a Writ of Habeas Corpus.

At this day it is ordered by the Court that this cause be submitted on brief.

No. 273. In the Matter of the Application of Sy-a-lib-le, Polly, et al., for a Writ of Habeas Corpus.

At this day it is ordered by the Court that the United States Attorney be granted ten days after the time allowed Petitioners for filing brief, in which to file brief of Respondent.

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Jany 12, 1909

No. 1025 ✓

The Territory of Arizona,
Plaintiff,
vs.
The Board of Supervisors Cochise County, composed of H. McRiggs, J. J. Bowen and G. J. McCabe, as Supervisors, et al.,
Defendants.

At this day, at request of the Attorney General, it is ordered by the Court that the Plaintiff herein be allowed to withdraw its Petition for a Writ of Mandamus.

No. 1056. ✓

Santa Cruz County,
Appellant,
vs.
Ignatius Bingum, James Harrison, and Oscar Ashburn, Supervisors of Santa Cruz County, Arizona, et al.,
Appellees.

At this day, on motion of Mr. D. L. Patten, attorney for Appellant herein, it is ordered by the Court that this cause be submitted.

No. 1052. ✓

The Arizona Copper Company, Limited, a corporation,
Appellant,
vs.
William Allen Gillespie,
Appellee.

At this day, on motion of Mr. Walter Bennett attorney for Appellant herein, it is ordered that he be granted leave to submit additional authorities.

C. L. Cummings, Administrator of the Estate of Antonio Peretti, deceased,

Appellant,

No. 1070. ✓ vs.

M. Rosenberg, et al.,

Appellees.

At this day, on motion of Mr. Ben Goodrich, attorney for Appellees herein, it is ordered by the Court that this cause be submitted.

The Gibson Abstract Company, a corporation,

Appellant,

No. 1071. ✓ vs.

Cochise County, a corporation,

Appellee.

At this day, on motion of Mr. O. Gibson, attorney for Appellant herein, it is ordered by the Court that this cause be submitted.

The Nogales Water Company, a corporation,

Appellant,

No. 1066. ✓ vs.

W. J. Newman,

Appellee.

At this day, on motion of Mr. S. M. Franklin attorney for Appellant herein, it is ordered that oral argument be granted in this cause and the hearing set for January 12, 1907.

Jany 12, 1909.

No. 1084.

The Bank of Seidell, a corporation,
Appellant,

vs.

Frank J. Graf,
Appellee.

At this day, on motion of Mr. Geo. H Neale, attorney for Appellee herein, it is ordered that oral argument be granted in this cause and the hearing set for Wednesday, January 20, 1909.

No. 1086.

The Arizona Mining & Trading Company, a corporation,
Appellant,

vs.

J. J. Benton,
Appellee.

At this day, on motion of Mr. Geo. H Neale attorney for Appellant herein, it is ordered that oral argument be granted in this cause, and the hearing set for Wednesday, January 20, 1909

No. 1087.

L. J. Orelock,
Appellant,

vs.

Seth E. Hazzard,
Appellee.

At this day, on motion of Mr. Geo. H Neale, attorney for Appellant herein, it is ordered that oral argument be granted in this cause, and the hearing set for Wednesday, January 20, 1909.

No. 1089. ✓

John Conchin,
Appellant,
-vs-
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

At this day, on motion of Mr. E. E. Ellinwood, for appellee, it is ordered by the Court that Appellee be granted fifteen days within which to file brief.

No. 1091. ✓

Francis J. Abell,
Plaintiff in Error,
vs.
George H. Strain, et al.,
Defendants in Error.

At this day, on motion of Mr. O. Gibson, attorney for Appellant herein, it is ordered by the Court that he be granted ten days within which to file reply brief.

No. 1091 ✓

Francis J. Abell,
Plaintiff in Error,
vs.
George H. Strain, et al.,
Defendants in Error.

At this day, on motion of Mr. H. L. Pickett, attorney for Defendants in Error herein, it is ordered that oral argument be granted in this cause and the hearing set for Friday, January 15, 1909.

Jany 12, 1909.

No. 1093.

A. Sandoval, et al.,
Appellants,
vs.
The United States Fidelity and Guaranty Company, a corporation,
Appellee.

At this day, on motion of Mr. O.A. Rutland, attorney for Appellants herein, it is ordered that Appellants be granted until January 29, 1909, within which to file their Brief.

A. Sandoval, et al.,
Appellants,
No. 1093. vs.
The United States Fidelity and Guaranty Company, a corporation,
Appellee.

At this day, it is ordered by the Court that Appellee be granted ten days after the time allowed Appellants herein for filing brief, within which to file its brief.

It is further ordered that this cause be submitted on briefs.

The Copper Bell Mining Company, a corporation of the State of West Virginia, et al.,
Appellants,
No. 1094. vs.
Martin Costello,
Appellee.

At this day, on motion of Mr. F. M. Hartman attorney for Appellants herein, it is ordered that oral argument be granted in this cause and the hearing set for January 21, 1909.

The Copper Belle Mining Company, a corporation, of the State of West Virginia, et al.,

Appellants,

No. 1094. ✓ -vs-

Martin Costello,

Appellee.

At this day, on motion of Mr. Ben. Goodrich, attorney for Appellee herein, it is ordered by the Court that Appellee be granted until February 10, 1909, in which to file his Brief.

Territory of Arizona,

Appellant,

No. 263. ✓ vs.

Fred Sattes,

Respondent.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be submitted.

William Crawford,

Appellant,

No. 269. ✓ vs.

Territory of Arizona,

Respondent.

At this day, on motion of the Attorney General, it is ordered by the Court that this cause be submitted with leave granted the Respondent to file motion.

Jany 12, 1909. Albert Ryan, Appellant,
No. 270 v. vs. Territory of Arizona, Respondent.

At this day on motion of Mr. A.C. Baker, attorney for Appellant herein, it is ordered that oral argument be granted in this cause and the hearing set for Thursday, January 21, 1909

Albert Ryan, Appellant,
No. 270. v. vs. Territory of Arizona, Respondent.

At this day, on motion of the Attorney General it is ordered that Respondent be granted until January 21, 1909, in which to file Brief.

Peter L. Hartnett, Appellant,
No. 1053. v. vs. R. L. Adams, et al., Appellees.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be submitted subject to motion.

Peter L. Hartnett, Appellant,
No. 1053. v. vs. R. L. Adams, et al., Appellees.

At this day, it is ordered by the Court that

the Appellant herein be granted ten days within which to file brief.

It is further ordered that the Appellee herein be granted ten days after the time allowed Appellant for filing brief, within which to file reply brief.

J. R. Knox, as Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, et al.,

Appellants,

No. 1092. vs.

Grand Canyon Railway Company, a corporation,

Appellee.

At this day, on motion of Mr. U. S. Clotfelter, attorney for Appellee herein, it is ordered by the Court that the Appellee be granted leave to file supplemental abstract of record.

J. R. Knox, as Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, et al.,

Appellants,

No. 1092. vs.

Grand Canyon Railway Company, a corporation,

Appellee.

At this day, it is ordered by the Court that the Appellants herein be granted ten days within which to file brief.

It is further ordered that the Appellee herein be granted ten days thereafter within which to file brief.

It is further ordered by the Court that the cause be submitted on briefs.

Jany. 12, 1909.

No. 260.

Martine Palma,
Appellant,
vs
Territory of Arizona,
Respondent.

At this day it is ordered by the Court that this cause be submitted with leave granted the Attorney General to file motion.

No. 272.

William Robertson,
Appellant,
vs
Territory of Arizona,
Respondent.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be continued for the session.

No. 1009.

James H. Hart,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

At this day on motion of Mr. F. McFarland, attorney for Plaintiff in Error herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 21, 1909.

No. 1009.

James H. York,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

At this day, on motion of Mr. F. McCutcheon, attorney for Plaintiff in Error herein, it is ordered that Messrs. Cox & Franklin be entered as associate counsel.

No. 1061.

The United Globe Mines,
a corporation,
Appellant,
vs.
Gila County, et al.,
Appellees.

At this day, on motion of Mr. E.E. Ellsworth, attorney for Appellant herein, it is ordered that oral argument be granted in this cause and the hearing set for January 22, 1909.

No. 1062.

Old Dominion Copper Mining & Smelting Company, a corporation,
Appellant,
vs.
Gila County, et al.,
Appellees.

At this day on motion of Mr. E. E. Ellsworth, attorney for Appellant herein, it is ordered that oral argument be granted in this cause and the hearing set for January 22, 1909.

Jany. 12, 1909.

No. 1063.

Arizona Commercial Copper Company, a corporation,
Appellant,
vs.
Gila County, et al.,
Appellees.

At this day on motion of Mr. E. E. Ellinwood, attorney for Appellant herein, it is ordered that oral argument be granted in this cause and the hearing set for January 22, 1909.

No. 1073.

Ira E. Salladay, as father of Katie Salladay, an infant, deceased For the use and benefit of the Estate of said deceased Infant,
Appellant,
vs.
Old Dominion Copper Mining & Smelting Company, a corporation,
Appellee.

At this day on motion of Mr. E. E. Ellinwood attorney for Appellee herein, it is ordered that oral argument be granted in this cause and the hearing set for January 22, 1909.

No. 1064.

Mitchell Mining Company, a corporation,
Appellant,
vs.
A. F. Hammer,
Appellee.

At this day on the call of the Calendar it is ordered by the Court that this cause be submitted on briefs.

No. 1065.

F. D. Hodel, Trustee in Bankruptcy of the Estate of Charles F. Pascoe Bankrupt,

Appellant,

vs.

The Gila Valley Bank & Trust Company, a corporation,

Appellee.

At this day, on motion of attorney for appellee herein, it is ordered that oral argument be granted in this cause and the hearing set for January 15, 1909.

No. 252.

Louis V. Eytinge,

Appellant,

vs.

Territory of Arizona,

Respondent.

At this day, on motion of Mr. A. C. Baker, attorney for Appellant herein, it is ordered by the court that oral argument be granted in this cause and the hearing set for January 19, 1909, each side to have one and one half hours for argument.

No. 252.

Louis V. Eytinge,

Appellant,

vs.

Territory of Arizona,

Respondent.

At this day on motion of Mr. A. C. Baker, attorney for Appellant herein, it is ordered by the Court that he be granted leave to file additional authority to Appellants Brief.

Jany 12, 1909. Quong Yen, Appellant,

No. 265. vs.

Territory of Arizona, Respondent.

At this day, on motion of Mr. A.C. Baker, attorney for Appellant herein, it is ordered by the Court that final argument be granted in this cause and the hearing set for January 19, 1909, each side granted thirty minutes for argument.

William Walton, Appellant,

No. 1030. vs.

O.J. McKinney, Appellee.

At this day, on motion of Mr. E.H. Lewis attorney for Appellee herein, it is ordered by the Court that Appellee be granted until January 16, 1909, within which to file brief on re-hearing. and

On motion of Mr. Walter Bennett, it is ordered by the Court that Appellant herein be granted ten days thereafter within which to file reply brief.

William Walton, Appellant,

No. 1030. vs.

O.J. McKinney, Appellee.

At this day, on motion of Mr. E.H. Lewis, attorney for Appellee herein, it is ordered by the Court that final argument be granted in this cause and the hearing set for January 15, 1909.

No. 1058. ✓

F. E. Farish, et al.,
Appellants,
vs.
The Cerro Gordo Copper Company,
Corporation organized under the Laws
of the Territory of Arizona, et al.,
Appellees.

At this day, on motion of Mr. Walter Bennett, for Appellants herein, it is ordered that oral argument be granted in this cause and the hearing set for January 25th, 1909.

No. 1072. ✓

R. D. McDonald,
Plaintiff in Error
vs.
H. N. Ort,
Defendant in Error.

At this day, on motion of Mr. C. F. Ainsworth, for Plaintiff in Error herein, it is by the Court ordered that oral argument be granted in this cause and the hearing set for January 25, 1909.

No. 1074. ✓

The Title Guaranty & Surety
Company, a corporation,
Appellant,
vs.
H. F. Nichols,
Appellee.

At this day on motion of Mr. C. F. Ainsworth for Appellant herein it is by the Court ordered that oral argument be granted in this cause and the hearing set for January 25, 1909.

Jany 12, 1909.

No. 1079 ✓

Lem Garner, et al.,
Appellants,
vs.
Charles Brass,
Appellee.

At this day, on motion of Mr. Charles Hoff, attorney for Appellants herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 26, 1909.

No. 1095 ✓

The Potomac Oil Company,
a corporation, et al.,
Plaintiffs in Error,
vs.
Frances Allen Burr, et al.,
Defendants in Error.

At this day on the call of the Calendar, it is ordered by the Court that this cause be passed.

No. 266 ✓

U. C. Musgrave,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day on the call of the Calendar, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 26, 1909.

No. 1057. ✓

J. H. Booth, et al.,
Appellants,
vs.
Frank Powers, et al.,
Appellees.

At this day, on motion of Mr. F. E. Curley for Appellants herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 26, 1909.

No. 1076. ✓

Frank Powers, et al.,
Appellants,
vs.
The World's Fair Mining Company, a corporation,
Appellee.

At this day, on motion of Mr. S. L. Patten for Appellants herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 26, 1909.

No. 1077 ✓

Charlotte Pickthall, Administratrix of the Estate of John Edwin Francis, deceased,
Appellant and Appellee,
vs.
Albert Steinfeld,
Appellee and Appellant.

At this day, on motion of Mr. F. E. Curley, for Appellant herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 27, 1909.

Jany. 12, 1909.

No. 1078 ✓

The World's Fair Mining Company,
Appellant,
vs.
Frank Owens, et al.,
Appellees.

At this day, on motion of Mr. F. E. Cuntz, for Appellant herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 27, 1909.

No. 1101. ✓

Louis Zeckendorf,
Appellant,
vs.
Albert Steinfeld, et al.,
Appellees.

At this day, it is ordered by the Court that the Stipulation between the respective parties hereto, "that a supplemental abstract of record be filed, consisting of the amended pleadings, the findings, judgment, motions for new trial, minute entries and stipulations made since the former trial, and that such abstract of record, together with the abstract of record filed upon the former appeal shall together constitute the abstract of record upon third appeals, subject to the right of either party to file such additional or supplemental abstracts of record as they may under the law have the right," be and the same is hereby confirmed.

No. 1101 ✓

Louis Beckendorf,
Appellant
vs.
Albert Steinfeld, et al.,
Appellees

No. 1066. ✓

The Nogales Water Company,
a corporation,
Appellant,
vs.
H. J. Newman,
Appellee.

At this day in motion of Mr. F. C. Curley for Appellant herein, it is ordered by the Court that oral argument be granted in this cause and the hearing set for January 27, 1909.

This cause coming on at this time for hearing was argued by Mr. Selim M. Franklin for Appellant, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 13th, 1909 at 10 o'clock A. M.

Edward D. Kent
Chief Justice.

Jany 13, '09 Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona. Wednesday, Jany. 13, 1909.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
" F. A. Fritle Jr., Clerk.
" M. H. Calderwood, Crier.
" F. J. Duncan, Bailiff.

The following business was transacted.

No. 271 ✓

Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal, filed herein by Respondent and heretofore submitted, be, and the same is hereby, denied.

No. 262. ✓

Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

The Motion to Dismiss the Appeal, filed herein by Respondent, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, It is ordered that said Motion be granted, and the appeal be, and the same is hereby, dismissed. It is further ordered, adjudged

and decreed that the Respondent herein do have and recover of and from the County of Yavapai, Territory of Arizona, his costs in this behalf taxed at seven and 35/100 ($7.35) Dollars.

No. 1098. ✓

Tip Top Copper Company,
a corporation,
Appellant,
vs.
Oscar Buckalew,
Appellee.

At this day, it is ordered by the Court that the motion to Affirm the Judgment of the lower court, filed herein by Appellee and heretofore submitted, be, and the same is hereby, denied.

No. 1098. ✓

Tip Top Copper Company,
a corporation,
Appellant,
vs.
Oscar Buckalew,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

No. 1100. ✓

C. Elmer Smith, et al., Executors of the Estate of Beauchamp H. Smith, deceased,
Appellants,
vs.
The King of Arizona Mining & Milling Co., et al.,
Appellees.

At this day, it is ordered by the Court that the Motion to Affirm the Judgment of the lower court filed herein by Appellees and heretofore submitted, be, and the same is hereby, denied.

Jan. 13, 1909

No. 1100.

C. Elmer Smith, et al, Executors of the Estate of Beauchamp H. Smith, deceased,

Appellants,

vs.

The King of Arizona Mining & Milling Co., et al.,

Appellees.

At this day, it is ordered by the Court that the Motion to extend the time for filing the Record and the preparation and filing of the Abstract of Record and Brief, filed herein by Appellants and heretofore submitted, &c, and the same is hereby granted, and the Appellant granted thirty days within which to file the Record, Abstract of Record and Brief.

It is further ordered that this cause be submitted on briefs to be filed, with leave granted Appellee to file Motion to Dismiss Appeal if Appellants' brief is not filed within the thirty days.

No. 273.

In the Matter of the Application of By-a-lil-le, Cally, et al., for a Writ of Habeas Corpus.

At this day comes Mr. J. L. B. Alexander, attorney for Respondent herein, and moves the Court that Respondent be granted until Feby 1, 1909, within which to file Brief.

No. 273.

In the Matter of the Application of By-a-lil-le, Cally, et al., for a Writ of Habeas Corpus.

At this day, it is ordered by the Court that the Motion of Mr. J. L. B. Alexander Att'y for Respondent

herein be granted until February 1, 1907, within which to file brief, be and the same is hereby granted.

On motion of Mr. J. McRoss, it is ordered that Mr. Charles H. Herndon, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona in and for the County of Yavapai, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Herndon took the required oaths.

On motion of Mr. J. McRoss, it is ordered that Mr. Richard Lamson, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona in and for the County of Yavapai, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Lamson took the required oaths.

No. 1080 ✓

Elmer H. Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

This cause coming on at this time for hearing was argued by Mr. F. J. Norton and Mr. H. G. Wolfley for Petitioner and Mr. Edward McDevitt for Respondent, and cause ordered submitted.

Jany 13, '09

No. 1005 ✓

R. N. Leatherwood,
Appellant
vs.
R. R. Richardson, et al.,
Appellees.

This cause coming on at this time for hearing and the time for adjournment having arrived, it is ordered by the court that this cause be continued until to-morrow.

No. 1102. ✓

Ching Tew Tang,
Appellant,
vs.
United States of America,
Appellee.

At this day, it is ordered by the Court that the Motion to Affirm the Judgment of the court below filed herein by Appellee, be submitted.

It is ordered that this court stand adjourned until tomorrow, January 14th, 1909 at 10 o'clock A.M.

Chief Justice.

Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona. Thursday, January 14, 1909.
Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritts Jr., Clerk.
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

Ching Yen Fang,
Appellant,
vs.
No. 1102. United States of America,
Appellee.

The Motion to Affirm the Judgment of the Court below, filed herein by Appellee, having been heretofore submitted, and by the Court taken under advisement and the Court having considered the same, and being fully advised in the premises, it is ordered by the Court that said motion be granted, and the judgment of the Court below be, and the same is, hereby affirmed.

R. N. Leathwood,
Appellant,
No. 1005. vs.
C. R. Richardson,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Frank H. Hereford for appellant and Mr. Clarence B. Farrington for appellee, and the same being submitted.

Jan. 14, 1909

No. 1075

Lizzie B. Murphy, et al.,
Appellants,
vs.
Joseph W. Brown, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. D.L. Kingan and Hon. Geo. E. Kretzer for Appellants and M. F.E. Cooley and Mr. Frank H. Hereford for Appellees, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 15th, 1909, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1909.
Territory of Arizona. } Phoenix, Arizona. Friday Janry. 15, 1909.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F.A. Gritte Jr., Clerk.
M.H. Caldwood, Crier
F.J. Duncan, Bailiff.

The following business was transacted.

On motion of Mr. H.L. Pickett, it is ordered that Mr. L. Kearney who holds a certificate from the District Court of the Second Judicial District

(over the Fifth Judicial District) of the Territory of Arizona and for Graham County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Kearney took the required oaths.

No. 267. ✓

George High,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. L. Kearney for Appellant and cause ordered submitted.

No. 1091. ✓

Frances J. Abell,
Plaintiff in Error,
vs.
George H. Swain, et al.,
Defendants in Error.

This cause coming on at this time for hearing it is ordered by the Court that the cause be continued.

No. 1065 ✓

F. D. Hooks, Trustee in Bankruptcy of the Estate of Charles F. Pascoe, Bankrupt,
Appellant,
vs.
The Gila Valley Bank & Trust Company, a corporation,
Appellee.

This cause coming on at this time for hearing, was ordered by the Court that the cause be continued to Tuesday

Jany 15, 1909.

No. 1030.

William Walton,
Appellant,
vs.
C. J. McKinney,
Appellee.

This cause coming on at this time for hearing was argued by Mr. E. H. Lewis for Appellee and Mr. Walter Bennett for Appellant, and cause ordered submitted.

It is ordered that this Court stand adjourned until Monday, January 18, 1909, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona.

January Term, A. D. 1909.
Phoenix, Arizona. Monday January 18, 1909.
Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gitle Jr., Clerk
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following Business was Transacted.

On motion of W. H. Sawtelle, it is ordered that George W. Lewis, who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona, and has [illegible]

be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court, Mr. Lewis took the required oaths.

No. 1091. ✓

Frances J. Abell,
Plaintiff in Error,
vs.
George H. Swain, et al.,
Defendants in Error.

At this day, on motion of Mr. H.L. Pickett, attorney for Defendants in Error herein, it is ordered that the hearing of this cause be set for Wednesday morning, January 20, 1909 at 10 o'clock.

No. 1088. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix of the Estate of Carl S. Nielsen, deceased, and Mary Nielsen in her own personal right,
Appellees.

At this day, on motion of Mr. F. McHarman, attorney for Appellees herein, it is ordered that the 3rd part of Appellees Motion to Strike and Objections to Appellants' Motion to Amend Assignments of Error, be withdrawn.

Jan. 18, 1927
No. 1088.

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix, etc.,
Appellee.

At this day, it is ordered by the Court that Appellee's Motion and Objections to the consideration of Assignments of Error set forth and specified in Appellants' Brief, be sustained.

No. 1088.

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix, etc.,
Appellee.

At this day, come M. H. Sanford, attorney for Appellee, and argues the Motion and Objections to the consideration of Assignments of Error set forth and specified in Appellants' Brief.

Whereupon, the Court ordered that said Motion and Objections of Appellee be and the same is hereby denied.

No. 1088.

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix, etc.,
Appellee.

This cause coming on at this time for hearing, was argued by Mr. Eugene D. Bee, for Appellants, the time for argument having expired, it is ordered by the Court that argument be continued until 10 o'clock this afternoon.

Court met pursuant to adjournment at 10 o'clock this afternoon.

Court re-convened at 2 o'clock P.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Shaw, Associate Justice
" Fletcher M. Brown, " "
" Frederick S. Nave, " "
and the Clerk.
The following business was transacted.

No. 1088. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Hickey, Administratrix etc,
Appellee.

This cause coming on at this time for hearing, argument was resumed by Mr. E. S. Pope for Appellants and Mr. H. H. Saurelle for Appellee, and the time for adjournment having arrived, it is ordered by the Court that the argument be continued until Tomorrow morning at 10 o'clock.

It is ordered that the Court reconvene pursuant to adjournment Tuesday January 19th 1909, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Jany. 19, 1909. Supreme Court, Territory of Arizona. } January Term, A. D. 1909.
Phoenix, Arizona, Tuesday January 19, 1909.
Court opened at 10 o'clock A.M.
Present, Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
F. A. Gittle Jr., Clerk.
M. H. Calderwood, Crier,
T. J. Duncan, Bailiff.
The following business was transacted.

No. 974. ✓

Allen R. English, et al.,
Appellants,
vs.
Territory of Arizona, at the relation and to the use of John H. Bogan, Treasurer, etc.,
Appellee.

At this day, it is ordered by the Court that the Motion for an Order requiring the Clerk of this Court to make and transmit to the Clerk of the Supreme Court of the United States the Finding of Facts in the District Court, filed herein by Appellee, be submitted.

No. 974. ✓

Allen R. English et al.,
Appellants,
vs.
Territory of Arizona, at the relation and to the use of John H. Bogan, Treasurer, etc.,
Appellee.

At this day, it is ordered by the Court that the Motion for an Order requiring the Clerk of this Court to make and transmit to the Clerk of the Supreme

Court of the United States, in which court said cause is now pending, the Finding of Facts in the District Court of Pima County, which was omitted from the Transcript of Record on Appeal to the Supreme Court of the United States by direction of Appellants, filed herein by Appellee and heretofore submitted, be and the same is hereby granted and the Clerk of this court is directed to make and transmit to the Clerk of the Supreme Court of the United States a copy of said Finding of Facts.

No. 1088. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix, etc.,
Appellee.

The hearing in this cause having been continued from yesterday, argument was concluded by Mr. Edw. F. Jones for Appellee, and cause ordered submitted.

No. 1088 ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix, etc.,
Appellee.

At this day, on motion of Mr. E. S. Ives, attorney for Appellants herein, it is ordered by the Court that he be granted until Friday, January 22, 1909, within which to file brief.

Jan. 17, 1909. Lewis V. Eytinge,
Appellant,
No. 252. v.
vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. A. C. Baker for Appellant, and Mr. E. S. Clark for Respondent, and argument ordered continued until to-morrow morning at 10 o'clock.

It is ordered that this Court stand adjourned until tomorrow, January 20, 1909, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Minutes of January 20, 1909 in Book No. 7.